

SENATE

WEDNESDAY, JANUARY 26, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday and the Journal of the proceedings of the previous day, which has not been approved, be now approved without reading.

Mr. CONNALLY. I object.

The VICE PRESIDENT. Objection is heard.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 520. An act for the relief of the estate of Nick Gruyich;

H. R. 734. An act for the relief of Joseph Pethersky;

H. R. 906. An act for the relief of McShain Co., Inc.;

H. R. 1099. An act for the relief of the New York & Baltimore Transportation Line, Inc.;

H. R. 1249. An act for the relief of L. M. Crawford;

H. R. 1476. An act for the relief of Mrs. W. E. Bouchev;

H. R. 3734. An act for the relief of Zoe A. Tilghman;

H. R. 3954. An act for the relief of Milo Milliser;

H. R. 4258. An act for the relief of Barbara Jean Matthews, a minor; and

H. R. 5104. An act for the relief of the Acme Wire & Iron Works.

CALL OF THE ROLL

Mr. CONNALLY. I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Colo.	Pittman
Andrews	Davis	King	Pope
Ashurst	Dieterich	La Follette	Radcliffe
Austin	Donahay	Lee	Reynolds
Bailey	Duffy	Lewis	Russell
Bankhead	Ellender	Lodge	Schwartz
Barkley	Frazier	Logan	Sheppard
Bilbo	George	Long	Schwellenbach
Bone	Gerry	Lundeen	Smith
Borah	Gibson	McAdoo	Smathers
Bridges	Gillette	McGill	Steiwer
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkeley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Truman
Burke	Hatch	Milton	Vandenberg
Byrd	Hayden	Minton	Van Nuys
Byrnes	Herring	Murray	Wagner
Capper	Hill	Neely	Walsh
Caraway	Hitchcock	Norris	Wheeler
Chavez	Holt	O'Mahoney	
Clark	Hughes	Overton	
Connally	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Maryland [Mr. TYDINGS] are absent because of illness.

The Senator from Tennessee [Mr. BERRY] and the Senator from Nevada [Mr. McCARRAN] are detained from the Senate on important public business.

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. NYE] and the Senator from Minnesota [Mr. SHIPSTEAD] are unavoidably absent.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

REPORT OF THE AMERICAN WAR MOTHERS

The VICE PRESIDENT laid before the Senate the report of the American War Mothers, submitted pursuant to law, for the period from October 4, 1936, to October 2, 1937, which was referred to the Committee on Military Affairs.

REPORT OF UNITED STATES MARITIME COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the United States Maritime Commis-

sion, transmitting, pursuant to law, the report of the Commission for the period ended October 25, 1937, including a summary of the operating-differential agreements entered into as of January 1, 1938, and new construction undertaken as part of the Commission's long-range program, which, with the accompanying report, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a memorial of several citizens of the State of Iowa, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court of the United States, which was referred to the Committee on the Judiciary.

He also laid before the Senate a telegram in the nature of a petition from Local Union No. 848, Brotherhood of Painters, of New York City, N. Y., praying for the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table.

He also laid before the Senate a letter in the nature of a memorial from Eleanor Blakeney, of Woodhaven, N. Y., remonstrating against the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table.

Mr. CAPPER presented a memorial of sundry citizens of Beloit, Kans., remonstrating against the enactment of legislation requiring registration and imposing taxes or otherwise restricting law-abiding citizens in the possession or carrying of firearms, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented a resolution adopted by directors of the Brookline (Mass.) Taxpayers' Association, favoring the reduction of taxes and the balancing of the Budget by retrenchment in expenditures rather than by the imposition of further taxation, which was referred to the Committee on Finance.

Mr. WALSH presented resolutions adopted by directors of the Brookline Taxpayers' Association, of Brookline, and the Home Owners and Taxpayers' Association, of Chelsea, both in the State of Massachusetts, favoring the reduction of taxes and the balancing of the Budget by retrenchment in expenditures rather than by the imposition of further taxation, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Board of Aldermen of the City of Chelsea, Mass., favoring the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table.

NAVAL APPROPRIATIONS—REPORT OF COMMITTEE ON APPROPRIATIONS

Mr. BYRNES, from the Committee on Appropriations, to which was referred the bill (H. R. 8993) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes, reported it with amendments and submitted a report (No. 1314) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LOGAN:

A bill (S. 3316) to amend the National Housing Act; to the Committee on Banking and Currency.

By Mr. GEORGE:

A bill (S. 3317) to permit the filing of a suit by a claimant under a contract of Government insurance within 1 year from date of denial of claims; to the Committee on Finance.

By Mr. SCHWELLENBACH:

A bill (S. 3318) to authorize certain payments to the American War Mothers, Inc.; and

A bill (S. 3319) to authorize certain payments to the Veterans of Foreign Wars of the United States, Inc., and to

the Disabled American Veterans of the World War, Inc.; to the Committee on Military Affairs.

By Mr. McADOO:

A bill (S. 3320) to amend title VI of the Merchant Marine Act, 1936; to the Committee on Commerce.

A bill (S. 3321) to amend the Panama Canal Act; to the Committee on Interoceanic Canals.

A bill (S. 3322) granting a pension to David Smith (with accompanying papers); to the Committee on Pensions.

By Mrs. CARAWAY:

A bill (S. 3323) to liberalize effective date of claim for reimbursement for burial and funeral expenses contained in Veterans' Regulations; to the Committee on Finance.

By Mr. SHEPPARD:

A bill (S. 3324) to amend section 9 of the Civil Service Retirement Act, approved May 29, 1930, as amended; to the Committee on Civil Service.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 520. An act for the relief of the estate of Nick Gruyich;

H. R. 734. An act for the relief of Joseph Pethersky;

H. R. 906. An act for the relief of McShain Co., Inc.;

H. R. 1099. An act for the relief of the New York & Baltimore Transportation Line, Inc.;

H. R. 1249. An act for the relief of L. M. Crawford;

H. R. 1476. An act for the relief of Mrs. W. E. Bouchev;

H. R. 3734. An act for the relief of Zoe A. Tilghman;

H. R. 3954. An act for the relief of Milo Milliser;

H. R. 4258. An act for the relief of Barbara Jean Matthews, a minor; and

H. R. 5104. An act for the relief of the Acme Wire & Iron Works.

APPROPRIATIONS FOR SUGAR CONTROL ACT AND CROP PRODUCTION AND HARVESTING LOANS

The VICE PRESIDENT. Last evening when the Senate took a recess it was agreed by unanimous consent that the Senator from Georgia [Mr. RUSSELL] should continue his remarks today on the pending bill. Under that agreement the Chair is impelled to recognize the Senator from Georgia.

Mr. ADAMS. Mr. President, will the Senator from Georgia yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. ADAMS. Mr. President, yesterday I asked that an emergency appropriation measure of interest to the farmers of the West might be considered. I wonder if the Senator will yield in order that I may submit a request for unanimous consent which will provide that the Senator from Georgia will not in any way lose his right to the floor.

Mr. RUSSELL. I yield for that purpose, provided that the submission of the unanimous-consent request will not have the effect of taking me off the floor.

The VICE PRESIDENT. The Senator from Georgia yields provided that his yielding for the submission of the unanimous-consent request does not take him off the floor or impair his right to continue his remarks. Is there objection to that request? The Chair hears none, and the Senator from Colorado will propound his unanimous-consent request.

Mr. ADAMS. Mr. President, the unanimous-consent request is that the Senate proceed to consider the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937, and for crop production and harvesting loans, with the understanding that the consideration of that measure at this time shall not in any way cause the Senator from Georgia [Mr. RUSSELL] to lose the floor or impair any right to the floor which he now has.

The VICE PRESIDENT. Is there objection?

Mr. WAGNER. Mr. President, reserving the right to object, may I suggest to the Senator from Colorado that he provide some limitation—I do not care what it may be—as to the time which shall be taken.

Mr. ADAMS. I may say to the Senator from New York I am convinced that the joint resolution will be disposed of within not more than a half an hour. If it is not disposed of promptly, I will be perfectly willing to withdraw the request for consideration, because I have no disposition unnecessarily to take up the time of the Senate.

Mr. WAGNER. Very well; I make no objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. McNARY. Mr. President, let it be stated by the clerk, please.

The VICE PRESIDENT. The clerk will state by title the joint resolution for the information of the Senate.

The CHIEF CLERK. A joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937, and for crop reduction and harvesting loans, reported from the Committee on Appropriations with amendments.

Mr. McNARY. Mr. President, what, in substance, is the request made by the Senator from Colorado?

The VICE PRESIDENT. The request is that the Senator from Georgia yield without yielding his right to the floor after the joint resolution is considered, and that the Senate now consider the joint resolution.

Mr. McNARY. Is any definite time proposed for its consideration?

The VICE PRESIDENT. None has been suggested.

Mr. ADAMS. Mr. President, I will say to the Senator from Oregon that if it should develop that there is any extended debate on the joint resolution I will withdraw it. I do not think it will take any extended time.

Mr. McNARY. That is satisfactory.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop-production and harvesting loans, which has been reported from the Committee on Appropriations with amendments.

The VICE PRESIDENT. The amendments reported by the committee will be stated.

The first amendment of the Committee on Appropriations was, on page 1, after line 2, to insert the heading "Legislative."

The amendment was agreed to.

The next amendment was, on page 1, after line 3, to insert:

SENATE

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1938, \$160,000: *Provided*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsidence Expense Act of 1926, approved June 3, 1926, as amended.

The amendment was agreed to.

The next amendment was, on page 2, after line 3, to insert:

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under supervision of the Committee on Rules, United States Senate, fiscal year 1938, \$30,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 9, to insert the heading "Executive."

The amendment was agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed, as follows:

Resolved, etc.—

LEGISLATIVE

SENATE

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and

Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1938, \$160,000: *Provided*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under supervision of the Committee on Rules, United States Senate, fiscal year 1938, \$30,000.

EXECUTIVE

DEPARTMENT OF AGRICULTURE

Sugar Act of 1937: That for an additional amount to enable the Secretary of Agriculture to carry into effect the provisions, other than those specifically relating to the Philippine Islands, of the Sugar Act of 1937, approved September 1, 1937 (50 Stat. 903-916), including printing and binding, and the employment of persons and means in the District of Columbia and elsewhere, as authorized by such act, there is hereby appropriated for the fiscal year ending June 30, 1938, out of any money in the Treasury not otherwise appropriated, the sum of \$39,750,000: *Provided*, That from this appropriation and the appropriation of \$250,000 for this purpose in the Third Deficiency Appropriation Act, fiscal year 1937, there shall not be obligated during the fiscal year 1938 for the following respective purposes sums in excess of the following amounts: For personal services in the Department of Agriculture in the District of Columbia, \$115,000; for personal services in the Department of Agriculture in the field, \$350,000; for miscellaneous administrative expenses (other than personal services) in the Department of Agriculture in the District of Columbia and in the field, \$160,000; and for transfer of funds to the Office of Treasurer of the United States, Division of Disbursement (Treasury Department), and the General Accounting Office, \$25,000; but the limitations set forth in this proviso shall not include expenses of local committees under the provisions of section 305 of such act.

FARM CREDIT ADMINISTRATION

Crop production and harvesting loans: That the appropriation for crop loans made under the heading "Farm Credit Administration" by the First Deficiency Appropriation Act, fiscal year 1937, together with all collections heretofore or hereafter made under the act of January 29, 1937, of the character specified in section 7 (b) of such act, shall be available until June 30, 1939, for making and collecting crop production and harvesting loans under such act of January 29, 1937, regardless of any limitation to the calendar year 1937 or the fiscal year 1938 in such appropriation or such act: *Provided*, That loans under the foregoing appropriation shall only be made to borrowers, who, in the opinion of the Governor of the Farm Credit Administration, will undertake in good faith to repay such loans in accordance with their terms, and no such loan shall be made in any State unless the Governor of the Farm Credit Administration has reasonable assurance that State and local authority will take no action which will encourage the borrower residing therein to evade payment of such obligation.

ORDER OF BUSINESS

Mr. RUSSELL, Mr. THOMAS of Utah, Mr. CAPPER, Mr. HARRISON, and other Senators addressed the Chair.

The VICE PRESIDENT. The Chair will give ample opportunity to the Senator from Georgia [Mr. RUSSELL] to resume his remarks. He is not going to impair the right of the Senator from Georgia to the floor because the Senator temporarily suspended his remarks for the consideration and passage of the joint resolution.

Mr. THOMAS of Utah. Mr. President—

The VICE PRESIDENT. The Senator from Georgia has the floor. Does he yield for a question or otherwise?

Mr. RUSSELL. I yield for any purpose that will not impair my right to the floor.

Mr. THOMAS of Utah. Will the Senator yield in order that I may have something inserted in the RECORD?

The VICE PRESIDENT. If the Senator from Georgia yields to the Senator from Utah to ask unanimous consent to have something inserted in the RECORD, the Senator from Georgia will lose the floor, because that would be the transaction of business by the Senate.

Mr. RUSSELL. Mr. President, in view of that statement by the Chair, I regret exceedingly to be compelled to decline to yield to the Senator from Utah.

The VICE PRESIDENT. Let the Chair make a statement.

If the Senate last night had not ordered the Chair to recognize the Senator from Georgia today, the Chair would have recognized other Senators, with the understanding that they desired to insert matter in the RECORD or to ask unanimous consent for the introduction of bills; but the Chair has no discretion today except to recognize the Senator from Georgia.

Mr. RUSSELL. Mr. President, I do not think the fact that the Senate may grant unanimous consent to permit the introduction of matter in the RECORD can possibly affect the parliamentary situation, inasmuch as the Senate has just transacted business. I therefore ask unanimous consent that Senators having matters which they desire to insert in the RECORD, or bills which they wish to introduce, may be permitted to do so at this time without their action in any wise impairing my right to the floor.

The VICE PRESIDENT. The Chair thinks he can put the request so that if the Senate desires to grant unanimous consent for that purpose, it may do so.

The Senator from Georgia asks unanimous consent that the Chair may recognize various Senators for the purpose of introducing bills or inserting matters in the RECORD without impairing the right of the Senator from Georgia to the floor. Is there objection? The Chair hears none.

RESOLUTIONS OF KANSAS STATE BOARD OF AGRICULTURE

Mr. CAPPER. Mr. President, I desire at this time to call the attention of the Senate to action taken at the sixty-seventh annual meeting of the Kansas State Board of Agriculture, held in Topeka this month. The delegates to this annual meeting, several hundred in number, as provided by the laws of Kansas, represent local units of organized agriculture in the counties of Kansas. Resolutions adopted by these legally named representatives of the farmers of their communities cover a wide range, local, State, and national.

I intended to ask unanimous consent to have these resolutions printed in the RECORD as part of my remarks, but before doing so I want to call the attention of the Senate to several of the resolutions because they embody what, in my opinion, is a constructive and desirable farm program.

The Kansas State Board of Agriculture went on record in opposition to increased transportation rates at this time.

Asked that administration of relief be turned back to the States.

Urged continuance of the 3½-percent interest rate on Federal land-bank loans, and 4 percent on commissioner loans.

Declared for continuation of the present soil-conservation program.

For congressional legislation to balance agricultural production.

For the ever-normal-granary principle to protect both producers and consumers of agricultural commodities.

For Government action to preserve parity income for agriculture, with processing taxes if needed to finance this program.

For commodity loans on surpluses stored at the point of production.

For establishment of marketing quotas in emergencies for wheat, cotton, and corn upon the vote of two-thirds of the producers.

For adjustment of the tariff when there is a deviation from parity price of more than 10 percent upward or downward.

Mr. President, I ask unanimous consent to have the resolutions, a copy of which I send to the desk, printed in the RECORD at this point as a part of my remarks.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED BY THE SIXTY-SEVENTH ANNUAL MEETING OF THE KANSAS STATE BOARD OF AGRICULTURE, JANUARY 14, 1938

We the official delegates assembled, as authorized by law, in this sixty-seventh annual meeting of the State board of agriculture, representing local units of organized agriculture throughout the State of Kansas, express ourselves on certain questions of National and State import, and particularly as the same relate to the farming industry and its welfare, in the adoption of the following resolutions:

AGRICULTURAL POLICY

Agriculture has never asked special favors and, in its recent efforts for equality, has been insisting only on a parity with other groups which enjoy special privileges and advantages under the sanction of government. If these privileges and advantages are to continue for any or all other groups of our population, we ask that the same recognition be extended to agriculture. If all other groups are willing to relinquish these artificial aids, then agricul-

ture will no longer require or need similar governmental support, as it feels it is thoroughly qualified to stand on the basis of its own efforts provided all other groups should do likewise.

We believe that every industry should be encouraged to stand on its own merits and make its own way on the basis of efficient and economical operation. There is no economic justice in artificially increasing the cost of living regardless of the ability of the consumer to pay. A policy of "live and let live," on a lower parity of prices, free from artificial manipulation, would permit the functioning of natural economic laws that are safe and sound and fair to all.

Agriculture is governed by Nature, and attempts to control this factor are disturbing and demoralizing, for Nature is not subject to man-made laws. But quarantines, quotas, subsidies, wages and hours, and prices of goods and services the farmer must buy are under human control. As the one industry essential to life, agriculture in a country such as ours should be the base or foundation of our national economic structure, from which to develop an equitable relation between agriculture and other industries to the enduring benefit of our Nation's growth and stability and to the prosperity and happiness of our democracy.

INTERSTATE FREE TRADE

We believe that the principles underlying the growth and development of this country can be perpetuated only by a maintenance of the policy of interstate free trade, and are decidedly in favor of free exchange and free movement of agricultural products between the various States, including their transportation by truck. We feel that any barriers set up, other than those for compliance with necessary and recognized sanitary regulations, should be removed.

WATER RESOURCES

Kansas should, without further delay, proceed to work out a systematic general plan for the complete development of the water resources of each watershed in the State in order to properly provide for flood control, water conservation, the prevention of stream pollution, and the protection of the underground water supplies from oil and salt water contamination. Legislation should be enacted definitely requiring all oil companies and others responsible for this condition to dispose of their waste in a satisfactory manner, and further to provide for the orderly construction of the necessary works in cooperation with the Federal Government.

EXPENDITURE OF PUBLIC FUNDS

We favor rigid economy in the operation of State and Federal affairs, but feel that sufficient appropriations should be made for the Department of Agriculture and its subdivisions, including highway construction and maintenance, Bureau of Animal Industry activities, dry-land experiment stations, land-grant colleges and extension divisions, and other State and governmental activities affecting agriculture, sufficient to sustain efficient operation.

TRANSPORTATION RATES

We urge that no advance be made in transportation rates until opportunity has first been had for a thorough study of our different types of transportation, with a view of providing a sound and comprehensive basis on which to build an equitable rate structure.

MONOPOLIES

We favor rigid laws and regulations to protect against the development of harmful monopolies and monopolistic practices. We call particular attention to the practice in connection with the sale of hog-cholera serum and virus and the so-called Resale Price Maintenance Act.

GASOLINE TAX EXEMPTION

We affirm that the exemption from tax on gasoline used for agricultural purposes is fair and just, and we urge that this exemption be saved to farmers under methods that will eliminate abuses and dishonest practices.

RELIEF

Until discontinued, all Federal funds for relief should be allocated to the States on the basis of need and be expended under direction of local and State relief agencies. Responsibility for relief work should be turned back to the States and their respective subdivisions at the earliest practical date.

AGRICULTURAL PROTECTION

We oppose any movements, legislative or otherwise, that result in increasing the cost of commodities farmers must purchase, unless compensating safeguards are devised to place and maintain agriculture on a parity with labor and industry.

MARKETING

We recommend a State marketing law for greater efficiency in the marketing and distribution of agricultural products and to enable cooperation with the Federal Government in grading and standardization work.

WORLD PEACE

We reiterate our devout wish that the dream for world peace may come true and encourage all efforts leading to that realization.

RECIPROCAL TRADE TREATIES

We favor open public hearings before the conclusion of reciprocal trade treaties and urge the reduction of excessive industrial tariffs as a means of providing larger outlets for farm products. Countries enjoying wide outlets in the American market of commodities on the free list should be required to take in exchange commodities of the United States which they need.

RURAL CREDIT

We favor a continuance of the 3½ percent interest on Federal land-bank loans and 4 percent on commissioner loans and reiterate our former request that farm-credit policies be liberalized in connection with farm-home loans.

IMPORTED AGRICULTURAL SEED

We urge that the United States Department of Agriculture require agricultural seed imported into this country to be free from noxious weed seed.

IMPORTED PLANTS

We favor such strict regulations by the United States Department of Agriculture on foreign plants coming to this country as will prevent the further importation of dangerous plant diseases and pests.

SEEDS BY PARCEL POST

We urge that postal regulations be amended so as to permit the rejection of parcel-post seed shipments by inspection officials, owing to the presence of noxious weed seeds as impurities.

SOIL DRIFTING

We urge payment sufficient to pay operating expenses of listing or chiseling as a means of controlling the Dust Bowl wind erosion; that all damming machinery or attachments equivalent to damming machinery be included with the basin lister; that in order to draw payment for compliance under the soil-conservation administration, the first practice on summer fallowed land be completed prior to a date set by the county committee of each respective county within the Dust Bowl areas.

FOREST TREES

We urge that every available means be employed to make effective the Cooperative Farm Forestry Act, passed by the Seventy-fifth Congress, to the end that our forestry resources shall be restored and expanded, farm wood lots and timbered pastures be increased in numbers, slopes protected against erosion, and unproductive land be made profitable.

CHEMURGIC PROGRAM

We endorse the farm chemurgic program to advance the industrial use of American farm products through applied science.

REAFFIRMATION

We reaffirm the positions taken in our 1937 meeting upon:
The necessity for soil surveys for the State of Kansas.
The coordination and cooperation of all agencies with a view to avoiding conflict in the administration of agricultural policies and programs.

The protection of the dairy industry and its products from unfair competition by so-called substitutes.

The stabilization of the purchasing power of the dollar based upon the wholesale commodity index.

The control and eradication of livestock diseases and the continuance of the quarantine against the foot-and-mouth disease.

The belief that a bureau of poultry industry should be created in the United States Department of Agriculture in order to advance this important and fast-growing agricultural activity.

The conservation and protection of wildlife.

The extension of electricity to the farms of Kansas, and urge cooperation with all agencies, public and private, in expediting the movement.

AGRICULTURAL PROGRAM

We favor a permanent agricultural policy that restores and maintains for agriculture an equitable basis with industry and protects our natural resource, the soil.

For immediate effect, we favor a continuation of the present soil-conservation program.

We approve necessary congressional legislation in order to provide an adequately balanced supply and flow of agricultural commodities.

An ever-normal granary for the protection of both producer and consumer and to assure the American farmer the American market.

We demand a parity for agriculture and favor a processing tax, if necessary, to cover the cost of such a program.

We favor the establishing of marketing quotas, if needed, to prevent burdensome surpluses from demoralizing the market of wheat, cotton, and corn after two-thirds of the producers of the several commodities have voted in favor of the same.

We favor commodity loans on surplus commodities stored at the point of production.

A compulsory adjustment of the tariff when there is a deviation from parity price of more than 10 percent upward or downward.

LEAGUE OF NATIONS—ADDRESS BY CLARK M. EICHELBERGER

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a radio address delivered on January 12, 1938, by Clark M. Eichelberger, national director, League of Nations Association, which appears in the Appendix.]

WORKS PROGRESS ADMINISTRATION—ARTICLE BY BEN WHITEHURST

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article by Ben Whitehurst, former Chief of Correspondence Division, F. E. R. A. and W. P. A., entitled "Skulduggery in the W. P. A.," which appears in the Appendix.]

LETTER FROM THE PRESIDENT OF THE UNITED STATES TO
MARVIN H. MCINTYRE

[Mr. CLARK asked and obtained leave to have printed in the RECORD a letter addressed by the President of the United States to Marvin H. McIntyre on January 21, 1938, on the occasion of a banquet given in honor of Senator BARKLEY held at Louisville, Ky., which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. BARKLEY. Mr. President, as many Senators have asked me whether or not it is contemplated to hold a night session this evening, I wish to make a statement.

Inasmuch as a motion for cloture has been entered, to be voted on tomorrow, I see nothing to be gained or lost by either side by holding a session tonight. Therefore I wish to advise all Senators that at sometime in the neighborhood of 5 o'clock this afternoon the Senate will recess until 12 o'clock tomorrow.

Mr. SMATHERS. Mr. President, I ask unanimous consent that my name be added to the petition asking that the cloture rule be invoked.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Jersey that his name may be entered in the RECORD as one of the petitioners for cloture?

Mr. CONNALLY. Mr. President, reserving the right to object, why did not the Senator from New Jersey sign the motion before it was presented?

Mr. SMATHERS. The Senator from New Jersey was not present last night. He was not feeling well and went to bed early, and therefore was not in the Senate Chamber.

Mr. CONNALLY. Does the Senator think it is good parliamentary practice to allow the RECORD to be altered and changed when the Senator was not even in the Chamber or in attendance on the session? I think that is going pretty far, Mr. President. I do not want to be inconsiderate or lacking in courtesy.

Mr. BURKE. Mr. President, will the Senator from New Jersey yield in order that I may ask the Senator from Texas a question?

Mr. SMATHERS. Yes; I yield.

Mr. BURKE. If the Senator from New Jersey was not feeling well last night, and feels that putting his name on this motion will restore him to good health, does not the Senator from Texas think he ought to withdraw his objection? [Laughter.]

Mr. CONNALLY. If I believed that it would, in fact, do that, I should be very glad to withdraw the objection. As a matter of fact, however, I feel that on reflection it may add to the Senator's feeling of remorse and shame, and therefore I shall have to object. [Laughter.]

The VICE PRESIDENT. Does the Senator from Texas object?

Mr. CONNALLY. I do; because I think it is bad parliamentary practice to have the RECORD changed.

The VICE PRESIDENT. Objection is heard.

Mr. SCHWELLENBACH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SCHWELLENBACH. I ask whether or not it is necessary to have unanimous consent to enable the Senator from New Jersey to add his name to the motion.

The VICE PRESIDENT. It is; because the motion has already been filed, and appears in the RECORD today.

Mr. SMATHERS. I understand that the Senator from Texas objects.

The VICE PRESIDENT. That is the status of the matter.

Mr. DIETERICH. Mr. President, I ask that my name be affixed to the motion for cloture.

Mr. CONNALLY. Mr. President, reserving the right to object, where was the Senator from Illinois when the motion was filed?

Mr. DIETERICH. The Senator from Illinois, unusually, was ordered by the doctor—the Capitol physician—to remain at his home because of a bad cold which he had contracted, and therefore was not able to be here on account of his health.

Mr. CONNALLY. Is that the doctor who is in the employ of the Senate?

Mr. DIETERICH. Yes.

Mr. CONNALLY. And who, therefore, is, of course, under some duress from Senators? [Laughter.]

Mr. DIETERICH. Yes.

Mr. CONNALLY. I object, Mr. President, not on personal grounds, but because I think it is wrong to "doctor" the RECORD. [Laughter.]

The VICE PRESIDENT. Objection is heard.

Mr. RUSSELL. Mr. President—

The VICE PRESIDENT. The Senator from Georgia is recognized.

[Mr. RUSSELL resumed and concluded the speech begun by him on yesterday, which entire is as follows:]

Tuesday, January 25, 1938

Mr. RUSSELL. Mr. President, today marks the twenty-second calendar day since the Congress of the United States convened in regular session to transact business affecting the general welfare of all the 130,000,000 people of this Republic.

Upon the convening of the Congress the President of the United States, in accordance with the Constitution and the unbroken tradition and custom in this country, appeared before the two Houses of Congress convened in joint session and emphasized many matters of legislation which he regarded as of the utmost importance. But a few days had elapsed since the adjournment of an extraordinary session of the Congress, assembled upon proclamation issued by the President of the United States. During the extraordinary session the President had seen fit to present to the Congress a program of legislation which was in accord with the principles of the Democratic Party, which principles were embraced within the mandates of the electorate of this Nation at the last general election.

Some features of that program have passed either the House or the Senate. Other features have received careful and conscientious and painstaking consideration of various committees of either the House or the Senate. They have been reported and are now found upon the calendars of business, awaiting consideration by both Houses of Congress.

The Senate has met for long hours since we convened in regular session on the 3d day of January. We have met for longer hours than is the practice of the Senate upon the opening of a Congress because much of the work of the Congress is done in the various committees. Some of the most effective Members of this body scarcely ever raise their voices in debate on the floor of the Senate. Some of the most valuable contributions that are made in legislation which this body considers, and which is of far-reaching importance to all the people of the United States, are made in the quietude of the committee room, where legislation is actually framed.

It has therefore been the custom of the Congress at the opening of a session not to meet for long hours but rather to allow the Members time to attend to the all-important and painstaking work of the committees as legislation is prepared to be brought before the Houses of Congress for consideration.

However at this session the Senate has met for long hours, committee work has of necessity been somewhat neglected, and the efficiency of the committees has been impaired. Even now we are engaged in night sessions, something which is very extraordinary at this period in the life of a session of Congress. The entire time and energy of this body have been directed to the consideration of this misnamed but so-called "antilynching bill." The President's program has been laid aside; bills which he emphasized in the historic campaign of 1936 in general principles, and which he had presented in definite form to this body for its consideration, have been pigeonholed or neglected. Some of them have all but been forgotten.

Mr. President, public sentiment in this country of necessity is reflected in this body. Unfortunately, in laying aside the President's program at the behest of one organization, we are frittering away if not dissipating that great wave of sentiment which was in support of the President's program as he had announced it to this body.

We have here practically adjourned statesmanship, we have laid aside matters which would affect all of the people of the United States, for the consideration of the pending measure, a bill unnecessary and uncalled for, one which is supported only by political expediency, and a measure which no one has undertaken to defend in his own right and in his own time on the floor of the Senate.

It has been pointed out here time and time again, in the addresses of those who are seriously and conscientiously fearful of the dire consequences of enacting legislation of this sort, that lynching is the only crime which is on the decrease in the United States. It is not even contended by the authors of the measure and its most devoted sponsors that more than eight lynchings occurred in the United States last year. They lost sight of the fact that in the United States last year there were 12,000 murders. Murder in all of its other forms is constantly increasing, gangsters are terrorizing innocent people and striking down all who might stand in their path. The sponsors of the bill lose sight of the fact that all other crime is on the increase, and come here presenting to the United States Senate a measure of such paramount importance that even the voice of the President of the United States cannot be heard, a so-called antilynching bill, to which it is necessary for us to devote all of our time and all of our energies.

Mr. President, this has been a most remarkable proceeding. For the first time in legislative history, so far as I am advised, a measure has been presented to the Senate which is controversial in its nature, a measure which has been assailed as unnecessary, a measure which has been assailed as being detrimental to those whom it is designed to aid, a bill which the ablest constitutional lawyers in this body have said was in the teeth of the Constitution of the United States, and not a single supporter of the measure has as yet taken the floor to defend its constitutionality, to point out any reason for the enactment of the measure, or even to explain the provisions of the bill.

It is a remarkable proceeding. The supporters of the bill propose in the name of an antilynching measure to lynch those of us who are opposed to the enactment of the bill, by sheer weight of numbers. Merely because in the heat of campaigns, perchance, merely because as a result of false propaganda Senators have committed themselves to the bill, they propose to bring it here to the floor of the Senate, run roughshod over the arguments of those who conscientiously and sincerely believe that they serve all the people of their State, both black and white, with no other argument than to say they have the votes to pass the bill. But not one of them takes the floor and undertakes to defend the constitutionality of the bill, or to have the bill measured by the standards which are usually applied to any bill presented to this body.

Mr. President, it has been well said that in the clash of mind with mind the truth scintillates. Truth has been obscured in the consideration of this bill because those who are supporting it have reserved their discussion of it until they invoke the very unusual parliamentary procedure which has now been applied.

It has even been proposed that the Senate destroy its reputation as a deliberative body in order to restrict debate on this measure. It has been said by some of those who are so anxious to have the measure immediately voted upon that those of us who are opposing it are filibustering against it.

I submit, Mr. President, that so long as a measure of this kind is brought forward without its sponsors having the courage or the temerity to take the floor and explain its

provisions and defend it, it is the duty of those of us who see great harm in this bill, not only by reason of the provisions contained in the measure itself but as a step in the program which the supporters of this measure are advocating, to make clear to the people of the country just what this measure means. It is difficult, Mr. President, even to keep a quorum here on the floor of the Senate. The Constitution of the United States provides that the Senate shall transact no business without a quorum being present. Yet those of us here who seek to bring the supporters of this measure to the Senate in order that we may indulge in full and free debate on this measure find all kinds of unusual and specially reserved rules invoked to prevent the summoning of a quorum to the floor of the Senate in order that the Senate might proceed in accordance with the provisions of the Constitution.

An interesting parliamentary question was raised this afternoon by the distinguished leader of this body, the able Senator from Kentucky [Mr. BARKLEY]. The question has been discussed here on the floor. It is a subject that has been much touched upon in the cloakrooms and corridors, where most of the Senators seem to keep themselves at this hour of the evening, as to whether or not a Senator who yields to another Senator to suggest the absence of a quorum would thereby lose the floor. This question has not yet been decided by the Senate. I hope that when it is submitted the Senate will free itself from the atmosphere of partisanship and prejudice, from the hysteria that surrounds the efforts of those who wish to rush this bill through, and that the Senate shall vote upon the matter on its merits and consider that it will probably be a future standard to guide the actions of the Senate.

At the present time, in spite of the fact that the Constitution of the United States requires a quorum to be present on the floor of the Senate, very few Members are actually present. The distinguished majority leader [Mr. BARKLEY] does me the honor to sit upon the floor and listen to my remarks. The senior Senator from Tennessee [Mr. McKELLAR] is present. The minority leader, the able Senator from Oregon [Mr. McNARY], is present on the other side, as is the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. STEWART], and the Senator from Delaware [Mr. TOWNSEND]. My esteemed and distinguished colleague [Mr. GEORGE] is present. The President pro tempore, the senior Senator from Nevada [Mr. PITTMAN], is present. The able Senator from Ohio [Mr. DONAHUE], one of the most beloved men in public life in the United States, is present, as is also the able Senator from New Hampshire [Mr. BROWN].

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. BARKLEY. I congratulate the Senator on the number of those who are listening to his address. The number now present is larger than the average attendance which has been here during former addresses, which is a great compliment to the Senator from Georgia. [Laughter in the galleries.]

Mr. RUSSELL. I appreciate the compliment paid me by the Senator from Kentucky. I have been on the floor constantly during the consideration of this measure, and I have observed that at times there were not so many Senators present. The fact that there are, perhaps, more Senators now present than at other times is not to be considered as being a tribute to me, Mr. President, for my feeble efforts in behalf of my position on this bill. It is merely due to the fact that Senators are listening here in anticipation that perhaps I might try out the new wrinkle in parliamentary practice suggested by the Senator from Kentucky, that the Senator who is occupying the floor might perchance procure a quorum, as guaranteed by the Constitution if he himself made the request for a quorum call. Perhaps later in the evening I shall undertake to have that new application of the rules of the Senate tried out in order that we may find whether or not it is possible for a quorum to be assembled here.

Mr. President, as I was saying, all kinds of parliamentary rules have been devised to prevent this measure from having that full, free, and unlimited discussion which the people of the United States expect of the Senate of the United States.

I had occasion to look into the old precedents and rulings of this body on the subject of procedure. I found that in the old days, when the Senate was recognized as a deliberative body, when the Constitution of the United States was really respected and considered to be the charter of American liberties and American Government, that then it was considered proper for any Member of this body representing here a sovereign State, to secure the presence on the floor of the majority of the Members of the Senate when some business was being considered and transacted.

I recall that on one occasion it was disclosed by the *Record* that the senior Senator from Wisconsin, Mr. La Follette, the father of the present Senator from Wisconsin, in the course of his remarks one evening yielded from 20 to 25 times in order that the absence of a quorum might be suggested. In those days Senators in this body considered as being worthy of consideration the constitutional provision affecting the highest dignity of the Senate, demanding that a quorum be present. In times past Members of the Senate have stood here on the floor and discussed matters affecting their States for hour upon hour, and day after day, in order that they might fully analyze legislation that was pending, and in those days some of those men were considered to be statesmen. Of course, in the present era if any Senator were to address himself to any subject longer than 30 minutes he would immediately be charged with conducting a filibuster.

Mr. President, I wish to say again that in my judgment if the pending bill is passed it is not going to be any burden on the people of the State I have the honor to represent here. I do not believe there will ever be a single peace officer who will be convicted under the terms and the provisions of this bill, or who will serve one day in the Federal penitentiary, or pay any part of this fine of \$5,000 which it is sought to assess against him. I do not believe that the people of a single county in my State will ever be called upon to respond to an action for damages under this measure.

I say that for several reasons. In the first place, lynchings have all but been eliminated. I sometimes think that is the reason why this bill is being rushed here so vigorously at this time. I think that is perhaps one reason why the President's program is being laid aside, why it is being pushed into the discard, into the background, at the behest of the organizations which are back of this bill is because Senators see that if they do not rush this bill through immediately it will soon be apparent to all the people of the United States that lynchings have been entirely eliminated in this country and that the bill was a political fraud. The bill apparently had but one purpose to serve, and that was to solidify certain groups in certain sections of the United States, and it was not offered here as a measure that would prove beneficial to the people of the United States.

I do say, Mr. President, that in addition to my opposition to the bill on the ground that it is clearly unconstitutional, as has been pointed out in the magnificent argument advanced by my distinguished colleague and by others, I am opposed to this bill also because it is an unjust reflection on the people of the South and because it is but the opening wedge here for other legislation of this type that we know will certainly follow.

I object to it because I know that if the Senate of the United States should permit itself to become committed to a measure of this nature at the behest of a Negro organization in the United States other bills will follow, and Senators who will be unwittingly caught in the snares of this unnecessary bill will commit themselves to other measures that will strike vital blows at the civilization of those I seek to represent.

Mr. President, it has been sought by some of those who are sponsoring this bill to make it appear here that any man who is speaking against this measure is in favor of lynching. Of course, that argument is unfair and untrue. It would be fairer for us opposed to the bill to charge that because no

other forms of murder than lynching are included in this bill, because the proponents of the bill drafted it so as to reach only the crime of lynching, demonstrates the proponents of the bill are in favor of other forms of murder. We could argue with equal ardor and far more strength, that those who have brought this measure here are in favor of gang killings, burglary, or violence in all of its forms, because when they started this great "holier than thou" drive to have the Federal Government clean up crime in this country they saw fit to apply it to crime in one form, the only form in which it has all but been eliminated.

Of course no one who is opposed to this bill is opposed to lynching. We are opposed to the Constitution being lynched. We are opposed to the lynching of what is left of States' rights. We are opposed to the program that lies behind this bill, and which no Senator who is sponsoring the measure has denied is to follow the passage of this measure. We have seen that some of our friends who are also members of the Democratic Party from other sections of the country, have not hesitated to sell the Democrats of the South "down the river," without a hearing, when it comes to considering legislation of this kind and bartering for the colored vote in the centers of population in the East and in the West.

If we are "sold down the river" on this bill, when the remainder of the program, which I shall undertake to show lies back of this bill, is brought forward, we have no assurance whatever that we will not again be made the objects of other special legislation, just as the South has had to undertake to protect and defend itself against special legislation, economic and political, that has been leveled at it by the dominant party in the Congress of the United States practically ever since the War between the States.

It has been pointed out on this floor time and time again that this bill is but the first step of this program to which I referred, a program which, if it were adopted in its entirety, would destroy the white civilization of the South if it did not undermine and destroy the entire civilization of the United States.

It has been charged on the floor of the Senate repeatedly that this bill is the forerunner of a measure which will permit the Federal Government to take charge of the election machinery of the several States. It has been charged here repeatedly—and not a single proponent of this bill has denied it on this floor—that following the pending measure efforts will be made to take from the sovereign States of this Republic the power to prescribe the qualifications of voters and to have some little commission in Washington with representatives to sit at every ballot box and say who can and who cannot vote.

Every Senator on the floor of this body knows that if a measure of that kind were passed there would be one or more States of the Nation where there would be Negro Governors and where there would be Negro United States Senators. There are many States where two or three or four or five Members of the House of Representatives would be Negroes, and no white man would have a chance to be elected. This means that there would be county after county where every officer and every official would be members of the Negro race.

I have no prejudice against the Negroes. I was born and reared in a section where they are very numerous. I am glad that the Negroes with whom I have come in contact have called me their friend.

As a public servant in my State, and as one who has served as Governor of my State, I have always tried to deal fairly with the Negro and I am sure that there are no members of the Negro race in my State tonight who would say that any official or personal act of mine had resulted in any unfairness to the Negroes.

Certain interests have sought to make it appear that the opposition to this bill was generated merely from a desire to oppress and to bear down on the colored population of the South. That is wholly untrue. We can see the danger of the legislation that is to follow, which threatens our civilization in the South. That is the reason that we are fighting this bill to the last gasp, so long as one of us

can stand or see. Those Senators who are from States which do not have the problem that we have, and who can have no comprehension or understanding of it, should remember that if their sections were the target at which any such arrows as this were aimed, and they did not stand here and fight until they could no longer open their mouths and protest, they would be not only unworthy of their seats in this body but unworthy to be called men.

As I say, it has been charged that this bill is but the forerunner of other legislation which would not only take over the election machinery of the States, but would strike down the relations between the whites and the Negroes in the South, relations which have been evolved painfully through 70 years of trial and error, suffering and sacrifice, on the part of both races.

Mr. President, we hear talk to the effect that little has been done in the past 70 years. Any fair-minded critic, or any man who approached this subject without vicious partisanship or prejudice against the people of the South would be the first to commend us and congratulate us on the record we have made. In a short space of time the crime of lynching has been reduced from 250 in a year to 8. In a short space of time the race that had known only savagery and slavery has been brought into a new day of civilization, where education and opportunity has been provided for them.

Merely because the whites and blacks alike in our section have learned that it is better for the races to live apart socially, we are condemned here and are sought to be made the target for all kinds of legislation of this sort. I say that the South should be commended for what it has done for the Negro.

I have heard men say, "What about the Negro schools?" In my State recently there has been a program of educational expansion, but for years I could take you to one pathetic little white school in the South for every Negro school of that character. We have been impoverished by war and legislation. I think it was not until the year 1900, 35 years after the close of the War between the States, that the tax values of my State reached the figure at which they had stood in 1860. It took us from 1860 until 1900 to get back the taxable values that we had known.

What can be said for the rest of the Nation? After the Civil War the rest of the Nation flourished like the rose. There was a new day, a new industrial order. States which, in 1860, had about the same taxable values as the State of Georgia, by 1870 had doubled or trebled the taxable values of their property while we were being borne down by the policy of reconstruction. We have been impoverished, but we have shared our poverty with the Negro and have done it cheerfully.

Now we find ourselves berated by those who shackled us with that poverty because we did not have more poverty to share. It is unfair to raise any such argument as that here. It can only be done by those legitimate successors of the wavers of the bloody shirt following in the footsteps of Sumner, Stevens, and Ben Wade.

I should like to proceed further with the discussion of the program which, it has been charged on the floor of this body, is to follow in the wake of the pending bill. I have said that it has been stated, and undenied to this good hour, although this bill has been under discussion for several days, that those who are supporting the pending measure will also support legislation to take over the election machinery of the several States. Not a Senator here has taken the floor in his own right to deny that charge. Those of us here who are opposing this measure can only say that that plea of nolle contendere means that when some group comes along and says, "We will deliver the votes," the proponents of this bill will support such legislation.

Let me take up now the next step in the program, the so-called equal social rights side.

We already have pending in the House a bill, which is an amendment to the Transportation Act, to do away with any segregation of the races on railroads and in public places

in the United States. The pertinent provision of that bill is as follows:

It shall be unlawful to segregate any persons traveling as interstate passengers on any carrier subject to the provisions of this act, or in railroad stations, waiting rooms, rest rooms, lunchrooms, restaurants, dining cars, or in any other accommodations provided for passengers traveling interstate, on account of such passengers' race, color, or religion; and any such discrimination or attempted discrimination shall subject the offending carrier, its officers, agents, servants, and employees, to the penalties hereinafter provided for violations of this act.

I ask leave to have printed as a part of my remarks the bill to which I have referred. It is H. R. 8821.

The PRESIDING OFFICER (Mr. MINTON in the chair). Is there objection?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

A bill to amend the Transportation Act (title 49, No. 3, (1) U. S. C.) so as to prohibit the segregation of interstate passengers on account of race, color, or religion

Be it enacted, etc., That the Transportation Act (title 49, No. 3, (1) U. S. C.) be, and the same is hereby, amended by adding a subsection to be known as subsection (a), which shall read as follows:

"(a) It shall be unlawful to segregate any persons traveling as interstate passengers on any carrier subject to the provisions of this act, or in railroad stations, waiting rooms, rest rooms, lunchrooms, restaurants, dining cars, or in any other accommodations provided for passengers traveling interstate, on account of such passengers' race, color, or religion; and any such discrimination or attempted discrimination shall subject the offending carrier, its officers, agents, servants, and employees, to the penalties hereinafter provided for violations of this act."

Mr. RUSSELL. Mr. President, that shows the trend of the times. That shows the program which those who are sponsoring and fostering this bill are now bringing forward to follow in the wake of the pending legislation if it shall ever be passed. It shows that we will soon be confronted with another alleged civil-rights bill which will embrace all those provisions of the statutes read by the Senator from Louisiana [Mr. ELLENDER] and others in the course of their remarks. It has been charged repeatedly that those who are supporting the pending so-called antilynching bill will also support legislation of a character similar to H. R. 8821. No Member of the Senate who is supporting the pending bill has yet stated that he does not favor and would not support legislation of the character indicated. I say that if a Senator, for political reasons or otherwise, would support the pending bill, he would fall a victim to the same organizations when they come to him and ask for his support of similar legislation.

There is also legislation pending in the Congress to give the Federal Government authority over all the marriage laws of this Nation. It has been charged on the floor of the Senate by several speakers who are opposing this bill—and not a sponsor of the pending bill has denied it—that this bill which we are considering is but the forerunner of legislation which would strike down the laws of any State in the Union that now prohibit the intermarriage of whites and blacks and would permit, if not encourage, miscegenation of the races and the intermarriage of whites and blacks in this country. As yet no Senator who is sponsoring or supporting the pending bill has taken the floor in his own right and denied that he is willing to go through with the entire program advanced by the forces that are sponsoring the pending bill.

We, therefore, Mr. President, have this as the program that is confronting those of us from the South in this body, if and when the pending bill shall be passed:

The first step in the program is this unnecessary and uncalled-for antilynching bill that is aimed at a crime that has all but been extinguished in this country, in order to solidify political favor in certain sections and to serve as a gratuitous insult to the South.

Second on the program are bills taking over the rights of the Southern States and the other States of the Union to control the requirements of suffrage and the qualifications of voters and to transfer from the States to the

Federal Government the supervision and control of the election machinery of the several States.

Third, bills to enforce social equality between the races, which include wiping out all segregation of the races in schools and colleges and churches and hospitals and in homes and in every public place.

The fourth plank in this program is a bill which will strike down the laws of the several States which prevent the intermarriage of whites and blacks.

Mr. President, in the course of my remarks I wish to read from certain documents to establish the fact that the four points in this program of those who are supporting this bill are identical with the program of the Communist Party in the United States, a program which the Communists are now advancing to the Negroes of the South in an effort to stir up discord and racial feeling and to destroy the harmonious relations which exist between the races in the South. The pending bill is the first step in the Communist program and has the hearty support of the Communist Party and every organization affiliated with the Communist Party. For several years representatives of the Communist Party have insidiously worked in the South and sought to propagandize the Negroes of the South with the same promises that it has been charged will follow this bill. Those who are supporting this proposed legislation, whether unwittingly or not, are contributing to a horrible and sickening situation and are encouraging this nefarious movement of the Communist Party in the South.

(At this point Mr. RUSSELL suggested the absence of a quorum, and the roll was called.)

Mr. RUSSELL. Mr. President, when the effort was made to comply with the constitutional requirement and secure a quorum I was discussing the fact that the program which it has been repeatedly charged on the floor of this body will follow in the wake of the pending bill, if it should, perchance, ever be enacted into law, was the program of the Communist Party, which is being disseminated now throughout the length and breadth of the South; and, whether wittingly or not, this Afro-Democratic Party, aided by Walter White and others, was lending aid and comfort to the efforts which have been made by the Communist Party to organize the Negroes of the South into that party.

Mr. President, I say that it is a fine tribute, better than any I might pay to the colored people of the South, that they have not been susceptible to this Communist influence. It is a tribute to their judgment and to their common sense. It should be sufficient to convince any person that these uplifters are not going to catch the votes of the Negroes in the South or anywhere else with a trap that has not any bait except this nefarious and uncalled-for and iniquitous antilynching bill.

It is not possible to fool the Negroes with any such measure as this, and I might say to Senators who feel that the success of their political future requires their support of the pending bill that they are not going to catch the Negro vote with any such measure. In my own State in the last Presidential election the majority of the Negroes voted the Democratic ticket, and they did not do that in the expectation of getting any such hand-out as this at the hands of the Congress.

Mr. REYNOLDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. RUSSELL. I yield for a question.

Mr. REYNOLDS. I wonder whether the Senator knows that a great many of the leading colored people of the South are opposed to the bill.

Mr. RUSSELL. I have heard that statement made, and I have no reason to believe that the colored people of the South are agitating for this measure.

Mr. REYNOLDS. I know that some—

Mr. RUSSELL. I yield for a question only.

Mr. REYNOLDS. I know that some of the leading colored people of the South are opposed to the bill.

The PRESIDING OFFICER. The Senator can yield only for a question.

Mr. LEWIS. Mr. President, may I address an inquiry to the Senator from Georgia?

Mr. RUSSELL. If it is in the form of an interrogation, I shall be glad to yield.

Mr. LEWIS. Did I understand the Senator from Georgia correctly when I assumed that he said there was an organization by the name of the Afro-Democratic Party which was espousing the principles of the Communists in his home in the South?

Mr. RUSSELL. The Senator from Illinois evidently did not follow me with his usual acuteness. I stated that this organization, the Communist Party, was advocating before the people of the United States a program which contained as four of its component parts the measures which are affecting the right of the States to control and regulate elections, the right of the States to pass laws prohibiting the intermarriage of the races, and the Federal legislation affecting what are generally known as civil rights, to follow in the wake of the pending bill, and that those four primary planks are what the Communist Party is offering the Negroes of the South, in addition to the further plank that they promise them the entire southland as the soviet Negro republic, and assure them that they will be permitted to liquidate at will all of the white people of the South who, perchance, may have had any part in the administration of Government heretofore, and to expropriate and confiscate, without compensation, all of the land that is now held in fee simple, or to which the whites of the South hold title in any form.

Mr. LEWIS. Did I understand my able friend correctly to state—

Mr. RUSSELL. I yield for a question.

The PRESIDING OFFICER. The Senator can yield for a question only.

Mr. LEWIS. I will insist on only a question. Did I understand the Senator to state that the organization went by the name of the Afro-Democratic Party?

Mr. RUSSELL. Mr. President, that was merely descriptive. I was seeking in my own way to describe some of the forces which are back of the pending bill. That was my method of identifying them.

As I was stating, the Negroes of the South who vote for any party or any man who stands for progressive principles, who is advocating measures which will benefit all of the underprivileged of the United States without regard to their location, for men and parties who stand for equality of economic opportunities in this country, are not interested in all of these vote-catching devices, such as the pending bill, and these others which promise them all kinds of social equality. They are looking for an opportunity in life to accumulate a little property, to own some land, and to have economic opportunity in this country.

Mr. President, I shall now undertake to read some of the literature I have obtained which reflects the propaganda system the Communist Party has applied and the promises they have held out to the Negroes of the South in an effort to create unrest and racial disturbances and conflicts, in fact, a bloody race war in the South. I shall undertake also to show that the first plank in the Communist platform is the bill which is pending before this body at the present time.

The pamphlet from which I read is entitled "The Road to Liberation for the Negro People." The first paragraph of it is as follows:

During the last 10 years a great change in the outlook of the Negro people in the United States has taken place. The Communist Party has helped to start this rebirth in the life of the Negro people, the like of which has not been seen since the great abolitionist and emancipation movement prior to the Civil War. The leadership of the Communist Party and its organization of struggles for equal rights and opportunities for cultural advancement are bearing results.

The Communist Party by its program and uncompromising stand on the problems facing the Negro people in the United States has created a new outlook for the Negro people, both among the Negro people themselves and in the ranks of labor and the progressive population as a whole.

The Communist Party brought the message of hope and showed our people the road to freedom and liberation. The Communist Party fearlessly, against seemingly insurmountable obstacles, began

to blast the many lies and slanders against the Negro people. The Communist Party blazed a path of struggle against economic and social inequalities. The Communist Party brought to the Negro people a fundamental understanding of their conditions. It showed us clearly our relation to the economic and social set-up in American life. It taught us to see the real sources of discrimination.

It goes on then, Mr. President, to set out what it sees as these sources of discrimination.

Segregation, denial of civil rights and liberties, lynching, terror, and general exploitation. It taught us to know our enemies and where to find our allies.

It would seem that the Communist Party does not confine its program entirely to the South. Its complaint is not entirely against the alleged mistreatment of the Negroes in the South. It seems that it also reaches into Harlem, because it says:

The great unemployed struggles led by the Communist Party have been of material aid to the Negro people throughout the past years of economic crisis. In crowded, congested, and disease-ridden Harlem, Communists have forced the inclusion of thousands of Negro families on the relief rolls.

Turning to page 10 of this document entitled "The Road to Liberation for the Negro People," and which is printed by the Workers Library Publishers, Inc., which I understand is some publishing company identified with the Communist Party, we find the following statement, which briefly states the position of the Communist Party in relation to this question:

The Communist Party stands squarely for the Negro people. We do not say that the Negro is all right "in his place." We say that any place open to whites must be opened for the Negroes.

That embraces most of the philosophy of the Communist Party in a few words.

We also find that in the last election, in an effort to build up a Negro soviet republic in the South, the Communist Party nominated for Vice President a member of the Negro race, and before the convention which was enunciating the principles of the party on which it was to go before the people of the United States, and at which its candidates were nominated, in placing in nomination this Negro for Vice President the speaker said:

We will never rest until the Negro and white workers, shoulder to shoulder, win final emancipation of the Negro people.

The fifth plank in the platform of the Communist Party in 1933 was as follows:

For equal rights and resistance to all forms of oppression of the Negroes and for the right of self-determination for the Black Belt.

I propose to develop, by literature which has been disseminated by the Communist Party, the fact that the four parts of the program which I have heretofore discussed are the first four promises that are being offered the Negroes of the South, and that the fifth portion would result in destroying the civilization of the South, in driving the people of the South from their homes and farms, without compensation, in order that this so-called Negro soviet republic might be established.

I shall now read from a pamphlet entitled "The Reds in Dixie," which has on its cover this question:

Who are the Communists, and what do they fight for in the South?

On page 29 we find the following amazing statement, after several pages have been devoted to attacks on the capitalistic form of government, seeking to excite hatred against those whom they label as the bosses, who include anyone who employs one or more persons in the United States, and after several general arguments which present to the colored people of the South the promise of this Utopia, where none shall be compelled to work and all shall live on the fat of the land:

This fairy tale of "white superiority" is false from top to bottom; a lie carefully cultivated and drilled into the minds of the white workers for just one purpose—to split the ranks of the working class and weaken the fighting power of the workers.

Just as the Communist Party fights any other antiworking class policy of the bosses, so, too, it fights the idea of "white superiority," and it fights it in the only practical way it can be fought—by

organizing and leading the daily struggles of the Negro people for full equality in every field of life and, above all, by drawing the white workers into the forefront of these battles.

Only the Communist Party has called for the organization of defense groups of white and Negro workers to protect the Negro people from the lynch mobs of the bosses and demands the death penalty for all lynchers. Only the Communist Party openly defies the Jim Crow laws and regulations of the southern ruling class and smashes these bars between black and white wherever possible.

I read that, Mr. President, and emphasize the fact that, due to all this propaganda which has been so widely disseminated throughout the South, if this bill should pass, the Communist Party would seize upon the fact that the Congress had passed it and would seek to mislead those who do not have a great understanding of our form of government into the belief that the Communist Party had been powerful enough to secure the passage of this measure through the Congress of the United States, and seek to lead thousands into the Communist Party by painting the picture of this Utopia of the soviet Negro republic embracing the entire Black Belt.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Do I understand the Senator to take the position that the Communist Party of the United States has endorsed this bill?

Mr. RUSSELL. Mr. President, the Communist Party of the United States has not only endorsed this bill but the Daily Worker, the daily periodical of the Communist Party of New York, has devoted page after page, during the entire discussion of this bill, to assailing the Senator from Texas [Mr. CONNALLY], and holding him up to public scorn because he is opposed to the bill. I shall later read from newspaper and magazine articles which pay tribute to those in favor of the bill and assail those who for any reason are opposed to it.

Mr. CONNALLY. I did not have an opportunity to conclude my question. The Senator says the Communist Party is advocating the bill and condemning those who oppose it. Is it not also true that the Communist Party is in control of Russia, and that under the Russian system the highest authorities in that Government are lynched from time to time at the dictation of Mr. Stalin? They are tried one night by military court and executed the next morning without the right of appeal, the right of habeas corpus, certiorari, or any other process before any court. Does the Senator mean to say that the advocates of this bill, or at least the Communist Party of the United States, who advocate the passage of this bill, are of the same party and the same political beliefs as the Communist Party which dominates Russia, and which officially adopts the policy of shooting men without any trial in a court of justice, or any appeal to anybody on earth?

Mr. RUSSELL. Later in the course of my remarks I shall read an editorial from the Daily Worker, the official organ of the Communist Party in the United States, wherein the superiority of the soviet form of government over our democratic institutions is asserted, because it states that Mr. Stalin would not permit any filibuster against such a bill as this if it were introduced in the parliamentary bodies of the Soviet Republic, or alleged republic.

Mr. McKELLAR. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question only.

Mr. McKELLAR. The Senator from Texas, in his question, asked what the advocates of this bill were doing or saying. I have not heard the advocates of the bill do or say anything up to date. Has the Senator known of any advocates of this bill on the floor of the Senate, or anybody who has been willing to stand up here and fight for the bill?

Mr. CONNALLY. Mr. President will the Senator yield?

Mr. RUSSELL. I may say that since the bill has been pending in this body over a period of several weeks not a single supporter of the measure has taken the floor in his own right at any time to undertake to defend this indefensible monstrosity. Since all these peculiar rules have been invoked and since freedom of full debate in this body has been destroyed, I assume now that perhaps it will be safe

for some of the advocates of the bill to take the floor and hide behind the parliamentary situation that was created by the very skillful, eminent, and able parliamentarian, the Senator from Missouri [Mr. CLARK], who invoked these rules, not that we might be permitted to engage in free, full, and open debate, but in order that the truth might be obscured from the country for some time. The situation that has developed is making it very difficult for those of us who are opposed to this bill, because, as I stated earlier in the evening, only in the clash of mind with mind does the truth scintillate, and we have been unable to generate any clashes between the minds of those who are opposed to the bill and those who support it, because not one of its supporters has taken the floor in his own right, in his own time, as a Senator of the United States, to undertake to explain the bill, or to show that it is consistent with the Constitution of the United States, or that it can possibly be declared valid by the courts under the Constitution of the United States.

Mr. McKELLAR. Mr. President—

Mr. RUSSELL. I yield first to the Senator from Texas. Then I shall be glad to yield for a question from the Senator from Tennessee.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I ask the Senator from Georgia, in connection with his statement, if it is not true that no argument has been made in support of this bill by its proponents? Is it not true that the only argument or citation of legal authorities or speech in favor of the bill by the proponents thereof has been a point of order from time to time?

Mr. RUSSELL. Mr. President, points of order have been made, and this parliamentary barbed-wire entanglement was laid down when the forces supporting the bill finally prodded the Senator from Missouri [Mr. CLARK] into action, and got him to go out and put up concrete "pill boxes" and barbed-wire entanglements behind which they might safely look out upon the vista of the Senate, and support the bill by rising in their own places, in their own right, to defend it. Now no general debate can be had. But until this unusual rule was invoked, not a single supporter of the bill took the floor in his own right to attempt to defend the bill. It is very easy to understand why any man should be reluctant in attempting to defend an indefensible proposition, such as the measure before us.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question from my friend the Senator from Tennessee.

Mr. McKELLAR. Mr. President, the Senator from Georgia has been here for a number of years. The names of two Senators are attached to this bill as its proponents. Did the Senator from Georgia ever know, in all his experience in the Senate, of any bill being introduced and being reported from a committee when the Senator or Senators who introduced it were not willing to get up and tell what was in it, and defend what was in it?

Mr. RUSSELL. The Senator from Tennessee has been most diligent in his efforts to enable the entire country to know the many iniquities contained in the bill. He has been very diligent in his attendance on the sessions of this body; but evidently he had stepped out to refresh the inner man when I stated, at the outset of my remarks this evening, that while my experience in this body was comparatively brief, I had made some study of parliamentary history, and, in my opinion, never before in the history of the United States, from the time the first Senate met to consider measures that were introduced, had any bill that was at all controversial in its nature been presented to the Senate of the United States without one word of explanation or one word of defense.

I pointed out that the sponsors of the bill, while they are claiming that they have a bill here to prevent or to punish the crime of lynching, are undertaking to lynch without trial those of us who are opposed to the bill, because they are depending merely upon brute force and the sheer weight

of numbers to pass the bill, putting themselves on record not by their explanations of it but merely by their votes.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER (Mr. BULKLEY in the chair). Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. RUSSELL. I yield for a question.

Mr. McKELLAR. Mr. President, as I understand, I am forced to put my remarks in the form of a question.

Mr. RUSSELL. I ask the Senator from Tennessee please to be most careful and most meticulous in placing his remarks in the form of a question, because of the fact that we have here those who will spring to their feet and say, "A point of order, Mr. President," in an effort to cause opponents of the bill to lose the floor. That has been the extent of their addresses so far in favor of the bill.

Mr. McKELLAR. Would it surprise the Senator if I were to tell him that in a service of 21 years in the Senate, this is the first bill of any importance with respect to which an explanation was asked and with respect to which the proponents of the bill were unable or unwilling to stand before the Senate like men and fight for it and explain it?

Mr. RUSSELL. Mr. President, not only is the Senate of the United States entitled to have an explanation made of any measure of a controversial nature that is presented here by its authors, but the people of the United States are entitled, in common honesty and decency, to have some supporter of this bill stand on the floor of the Senate and attempt to defend its constitutionality and produce reasons for its enactment at a time when full and free debate is the order of the day, and not after someone has brought in these "holiday" rules which seek to curtail and limit debate. I presume it might be said that they are attempting to stage a Roman holiday here by cutting down those of us who oppose the bill and taking us from the floor before we conclude our remarks.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. Just a moment. I want to say to the Senator from Tennessee that those who see him might doubt the fact that he had served as long as 21 years in this body. However, I have gone back of that period. So far as I have been able to discover, never before in the entire parliamentary history of the United States Senate has any bill been presented to the Senate without an explanation, and without anything to commend it save the fact that an organization has gone around and corraled, as it is claimed, 73 votes pledged to its passage.

I now yield to my friend from Texas for a question.

Mr. CONNALLY. Mr. President, how can the proponents of this bill successfully defend it on the floor?

Mr. RUSSELL. Mr. President, the question which the Senator from Texas is asking me is a question that has addressed itself to the able authors of this bill since the first time the bill was presented, 3 years ago. How on earth can I answer the question when the Senator from New York [Mr. WAGNER] and the Senator from Indiana [Mr. VAN NUYS] have been looking for an answer for 3 years, and have not found it? They have not taken the floor to defend the bill. As I stated a few minutes ago, it is impossible to defend an indefensible proposition.

For that reason we are confronted with the necessity of talking about this bill until the people of the United States understand it. When the people of the United States understand it, and when they see how, under the guise of a bill to punish the crime of lynching, this kind of a proposition has been brought forward, the supporters of the bill will find, if ever, perchance, the bill should happen to pass, that instead of its being an asset to them, it will prove to be an "old man of the sea" that will be around their necks for many, many years after the Senator from Texas, the Senator from Tennessee, and others who are opposed to it have passed into the Great Beyond, and can no longer protest against it.

As I have said, this bill is misleading. It is the most remarkable proposition that has ever been presented here.

This is the first time, so far as I am advised, that it has ever been proposed in any civilized country to punish the innocent people of a county because a crime has been committed in that county.

The proponents of the measure say that its purpose is to punish the crime of lynching. There is not one word in the bill that would permit the punishment of any member of a lynching mob.

As I have said on previous occasions on this floor, men could go out and lynch a man, swing him to a tree and take his life, and come here to Washington and present themselves to Mr. J. Edgar Hoover and tell him that they had just lynched someone. Even if this bill were on the statute books he would have to say, "Gentlemen, get out of my office; I have not time to see you." The reason the authors of the bill have used such a circuitous approach is simple—if it were undertaken to legally define the crime of lynching and to make the culprits directly amenable to Federal procedure, literally hundreds of the constituents of the authors of this bill would be thrown into jail and prosecuted in the Federal courts. So they undertake to punish the innocent people of the counties where the crime of lynching may be committed. Oh, the enormity of it, the awful injustice of it, the shocking iniquity of it!

The difference between a lynching in many instances and a gangster killing in New York or some other city is just in calling it a gang killing in New York and a lynching if it happens to occur in the South. This bill has been so worded that the constituents of its authors cannot be possibly brought into the jurisdiction of the Federal court, but they propose to sally forth into sections where, perchance, lynching might occur, though the crime of lynching has all but been abolished, and say, "We are going to punish the innocent along with the guilty."

Mr. President, lynchings do not occur in wealthy counties and in thickly populated areas. They usually occur, when they occur at all, in the rural sections, in sparsely populated communities, in the poverty-stricken areas of the United States. They usually occur in counties where there is a large Negro population. Under this bill, if three men were to band themselves together and go out and shoot down a man charged with a horrible crime, who might be in the custody of the sheriff or the bailiff of the county, the Federal Government would then go into the Federal court and seek to have imposed upon the county a fine of \$10,000 for the benefit of the relatives of the man who had been stricken down.

If this bill were passed, it would work an awful hardship on the good Negroes of the South. Of course, it does not mean anything to the Senator from New York; it does not mean anything to the Negro organizations in the East that are supporting the bill; but it does mean something to me, because I believe in fair play for all classes, for all our people, for every race that lives within the confines of the United States. Suppose a lynching occurred in the dead of night, three men going out and shooting down another who was in the custody of the sheriff, and a verdict of \$10,000 was found against the county; how would the county raise the \$10,000? It is, perhaps, a small rural county whose population is not over five or six thousand, and the only property in it that is subject to taxation are the farms, the mules, the cows, the pots and pans, the bedsteads, and the skillets of the people that live in the county. The county has no other source of revenue. In some counties many Negroes own farms. Many Negroes have a mule or a cow and a little household and kitchen furniture. Then what happens? The Federal Government goes down there and says, "Here is a judgment which has got to be collected." The only sources from which it can be collected are the bedsteads and pans and mules and cows and farms of the people who live there. Do you think, Mr. President, they are going to exempt the Negro who owns property in the county? No; he will be taxed just as will the whites. Perhaps living at the far side of the county, on the forks of the creek, is a good old Negro who has a little farm which he has acquired after years of arduous toil; perhaps he has

worked and stinted and slaved to acquire a little piece of land, 40 or 50 acres. He sees the tax collector and the sheriff coming down upon him. They say, "John, you heard about this nigger that the sheriff had in his custody getting killed, didn't you?" "Yes; I heard about it; but I didn't know him; I didn't have nothing to do with it, boss; I didn't even know that nigger." "Well, judgment has been secured against the county for \$10,000, and your share of that judgment is \$22.50; that is the tax on your farm."

Mr. President, in my State many of these poor people, both white and black, do not handle over two or three hundred dollars in cash during the whole year, due to the economic system that has been saddled on the South and which has borne us down through a long period of time. Where is the poor Negro farmer to get the \$22.50? He cannot get it, to save his life, because the meager credit facilities of the county have already been dried up by the white people who have borrowed money with which to pay their share of the fine against the county.

Of course, the people living in the great rich States cannot realize, Mr. President, that there are counties in States in this country that do not have in excess of ten or twelve thousand dollars' revenue for an entire year; and here it is proposed to levy against them, at one time, a tax amounting to their entire annual revenue, their entire annual budget. Those who are supporting this bill do not know what they are doing and they do not seem to care what they are doing. They come here in the name of the Negro race and advocate a bill that will result in selling out some poor little Negro farmer in my State who will have had absolutely nothing to do with the offense. The farm that he has worked for 10 years to acquire will be sold at the sheriff's block. He will not raise his hands to the heavens and say, "Glory be to my saviors, the Senator from New York and the Senator from Indiana, as the champions of the Negro race," when he sees his little farm or his cow or his last sole possession sold from under him on account of this device that has been projected here and which has been framed in such a way that it cannot possibly apply to the States of its authors who only want it to apply to other States.

Mr. McKELLAR. Mr. President, under those circumstances, could not the people take out some insurance against having to pay the tax rate suggested by the Senator? I should like to ask the Senator another question. Did he see in the Washington Evening Star of January 20, 1938, an advertisement about insurance against crime? I will read it to him as a part of the question.

Mr. RUSSELL. Mr. President, I hope the Senator will put it in the form of a question.

Mr. McKELLAR. It is a question, and a question mark will be at the end of it. [Laughter.]

Mr. LEWIS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEWIS. Mr. President, I know the occupants of the galleries do not understand the rules, but I feel it to be my duty to bring to the attention of the Chair that the constant interruptions by the occupants of the galleries of the dialogue between able Senators makes it impossible for other Senators to hear. I beg the Chair to announce to the occupants of the galleries that, while the Senate is glad to have them, they ought to know that the rules compel them to be quiet and to avoid demonstrations of any kind. So I am compelled to make the point of order against the disorder in the galleries.

The PRESIDING OFFICER. The occupants of the galleries will understand that by the rules of the Senate, quiet is required in the Chamber.

Mr. McKELLAR. Mr. President, I hope the interruption will not interfere with my question. I did not object and the occupants of the galleries are not annoying me at all. I do not want to be put in the attitude of complaining. I now present my question. Did the Senator see in the Washington Evening Star of January 20, 1938, the following advertisement?—

HOLD-UP AND BURGLARY INSURANCE

Protect yourself and your home with our combined residence and hold-up policy.

Adequate and inexpensive, and certainly demanded by local crime conditions.

See your daily paper.

NATIONAL SURETY CORPORATION.

If such a bill were passed, would the Senator suggest, inasmuch as we turn these conditions over to the Federal Government, that an insurance of some kind might be provided by the Congress so as to help the poor taxpayers of whom the Senator has been speaking?

Mr. RUSSELL. Mr. President, I scarcely think it would be necessary, although it might be possible to do so. I was interested to note the location of the company which was advertising hold-up and burglary insurance. I notice from the advertisement the Senator from Tennessee has handed me that it is located in the District of Columbia. Of course, we have heard something about criminals and crime conditions in the District. The Senator from Tennessee has made one or two statements on that subject. I do not want to go into that question at this time, but I was interested to see that the company was not located in New York City, because from articles which I read to the Senate on another occasion, when I was addressing the Senate, unless a prohibitive premium were charged on any insurance against hold-ups or burglaries in New York City, such insurance would be destined to bankrupt the companies unless they charged enormous premiums, because burglaries and hold-ups are so frequent there that they would certainly lose all their money unless an enormous premium were charged the policyholders.

Mr. President, I have been discussing the enormity of the pending measure which would impose a fine on some little county of \$10,000 because of the action of three of its citizens. All the citizens of the county except three might be home peacefully in bed, and yet the proponents of this bill propose to reverse the traditional Anglo-Saxon maxim that a defendant is presumed to be innocent unless he is found guilty by not only putting the burden on the county to show that every citizen of the county is innocent but by providing that the innocent shall suffer for the acts of the guilty by being taxed.

Mr. McKELLAR. Mr. President, if the Senator will yield—

Mr. RUSSELL. I yield only for a question.

Mr. McKELLAR. I am going to ask a question. If three citizens of another county came over into such a little county as the Senator has described and committed an outrage while every good citizen of the particular county where the crime was committed was asleep, those innocent ones would still be liable, would they not?

Mr. RUSSELL. Mr. President, all the citizens of the county could be gathered in a church on their knees praying that another crime would never be committed in that county, but under this iniquitous bill those poor people would be taxed and fined; they would be sold out of house and home and their little household chattels would be sold in order to raise the \$10,000 fine, thus punishing the innocent for the act of a few.

Never has such an outrageous measure been submitted to any parliamentary body that entertained any ideas of fairness and decent treatment to people in whose behalf they were professing to serve as this proposal under which a fine of \$10,000 may be assessed against innocent people in a county. They might all be at home in bed; they might even be in churches at prayer; they might be in another county attending a meeting of some kind; and yet under this measure it is proposed to tax them.

Mr. President, as has been so ably pointed out, not only does this proposal strike at the Constitution of the United States but it wipes out the constitutions of the several States. Suppose a judgment for \$10,000 is obtained against a county. There are many States of the Union where the purposes for which taxes may be levied are specifically enumerated in the constitution of the State. I challenge anyone to show me a provision in the constitution of any one of some two or three

States, including my own, which would permit the levy of a tax for the purpose of raising \$10,000 to pay such a judgment.

Suppose a judgment of \$10,000 is obtained against a county. A proceeding is brought in the Federal court to undertake to enforce it by a mandamus against the officials of the county. Say that it is necessary to levy a tax for \$10,000. The officials say, "Under the State constitution, we have no right to levy a tax for \$10,000." Then what is to be done? I assume that under this bill the Senator from New York, representing the plaintiff in the action, or somebody in the Department of Justice, would go up to the statehouse. He would see the Governor of the State and say, "Governor, you will have to amend the constitution of your State so that by levying taxes on your people we may collect this judgment." The Governor might say, "I have not authority to amend the constitution. The general assembly would have to submit a proposed amendment by a two-thirds vote, and I cannot make them do it." The reply would be made, "Well, there is going to be a session of the legislature, and the legislature might consider a bill to amend the constitution to permit the levy of this tax," to pay the fine that is provided in this measure. Suppose the legislature should vote down such a bill, who would be arrested and put in jail for contempt of court under this bill?

This is what the bill provides:

Any officer of such governmental subdivision, or any other person who shall disobey or fail to comply with any lawful order or decree of the court for the enforcement of the judgment shall be guilty of contempt of that court and punished accordingly.

In some States, where the purposes for which counties may levy taxes are set forth in the constitution of the State and are limited by those constitutional provisions, we might have the picture of some little Federal deputy marshal leading the legislature, headed by the Governor and the Treasurer of the State, and putting them in jail for refusing to adopt a constitutional amendment; or would the matter go further than that? Would it extend to all the people of the State?

Suppose the legislature should propose a constitutional amendment, and the Governor should authorize its publication on the ballot in the next general election, and the matter should be submitted to the people, and the people should vote down the amendment: Who would be punished then, and how would the matter be gotten at?

What I have stated shows the absurdity of attempting to pass a measure of this kind, which is so foreign to our American system of government; which smacks so much of the Soviet form of government in Russia, which is shot through and through with the principles of communism.

For myself, I do not see a great deal of difference between communism, if that is what the Government of Russia is, and the Governments in Germany and in Italy, which are usually referred to as Fascist governments. It seems to be merely a matter of names, except that in Russia, Stalin is just a little more vigorous in rubbing out all of those whom he suspects than Hitler is in Germany or Mussolini is in Italy. There is no substantial difference.

The other day there was what was called an election in Russia. Thousands of Russians went to the polls and voted, and later it was reported that they all voted in favor of Stalin; and that is given as a fine illustration of the democratic process in Soviet Russia. Mr. President, if a man had voted against Stalin, or opposed anything that he favored, in that election, of course, he immediately would have been "liquidated." He never again would have voted on any matter on earth. He might have cast his vote in the great hereafter, somewhere in eternity, but he would have been stood before a firing squad and shot down and blotted out; or, as the Russians call it, would have been "liquidated."

What was the difference between the election held in Russia and the one held in Germany a while back? An election was held in Germany on the question whether or not the German people approved of what Hitler was giving them. Of course, when the election was held and the ballots were counted it was reported that some enormous percentage of the German people—I have forgotten just what the percentage was, perhaps 99½ percent—had voted in favor of Hitler's program. Of course they voted in favor

of it. They voted for it for the same reason for which the people of Russia voted for Stalin's program, namely, because they knew that if they did not they would be exiled or killed.

So, Mr. President, we find on this bill some of the earmarks of communism, communism and fascism having much in common, both having an absolute disregard for any dual form of government, and concentrating all the powers of government in one man or one central government. I should not have been surprised to see this bill come fresh from Germany. If it had been brought here as a proclamation of Der Fuehrer, it would have been very much in order as a German proclamation; but when we come to measure it by the yardstick of the Constitution of the United States, when we consider it in connection with our dual form of government—48 sovereign, indestructible States in an indestructible union—it must fall, and it will fall.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Will the Senator, in the discussion of the principles of communism and Hitlerism and Stalinism, and other "isms," explain what defense or explanation the authors of this bill, according to the Senator's supposition—for that is all we have—make of the portion of the bill on page 7, beginning in line 10, and reading as follows:

That lynching shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers.

Is that carrying out the defense of their own Communistic principles, of racketeers and lawbreakers and hijackers and all sorts of criminals? Is that in conformity with the Communistic idea which dominates the Communist Party in officially endorsing this bill? What defense will the proponents of the bill make of it? Can the Senator tell us what explanation there is of it? Why was that provision put in the bill? What are the motives back of it? Is that the voice of Lenin or Stalin or Hitler, or the highwayman who stands behind the corner of a building in a dark alley, and with a slingshot awaits his victim, to strike him down and shed his blood in order to take his property?

Mr. RUSSELL. Mr. President, I may say to the Senator from Texas that it has been suggested that that provision was dictated as much by the voice of experience as by any other voice. The proponents of the bill knew that if they were not able to cull out and segregate the 8 murders out of the 12,000 murders committed each year in the United States in order to make this bill apply only to one section of the country and to one class of murders, if they could not exclude gang murders from the provisions of this bill, the States and counties they represented would soon be bankrupt by reason of paying damages of \$10,000 for every gang murder or killing that might take place within their States. So they come in here attempting to define a crime, only eight instances of which happened last year, in such a way as to protect the public exchequer in their own States, and to keep their own gangster constituents from becoming involved in the toils of Federal law.

Mr. President, a few moments ago, when I was so pleasantly diverted by the interrogatories of the Senator from Texas [Mr. CONNALLY] and the Senator from Tennessee [Mr. McKELLAR], I was discussing some of the communistic aspects of this measure, and attempting to show that this bill is the number 1 bill on the Communist program, to be followed by legislation which would strike down the State laws of the South which prevent the intermarriage of the whites with the blacks, which would strike down the social order of the South which segregates the races, which would take charge of the election machinery of the 48 States and strike down every constitutional provision and every statute in the 48 States which seeks to regulate elections, and would result in the election in States having a majority of the colored race of Negro Governors, Negro United States Senators, Negro Representatives, and bring us back to the period of reconstruction, hailed by the Communist Party as the most glorious age of American history, as I shall read from some of these articles before I conclude my remarks.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. McKELLAR. And yet, notwithstanding all that, is it not true that not a single Senator favoring the bill is willing to stand up here and say he is in favor of it?

Mr. RUSSELL. Mr. President, they intend to say it only with votes, and with fingers crossed, asking forgiveness for having permitted themselves to be committed to any such legislative monstrosity as this measure.

Mr. POPE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. POPE. Is the Senator going to read from the Communist platform that the reconstruction period in the South was a glorious page in our United States history?

Mr. RUSSELL. I intend to show that this Communist organization, which has as No. 1 on the agenda this so-called antilynching bill, proposes to change over the Southern States, as they say, from the Eastern Shore of Maryland to the center of Texas, into a soviet Negro republic, and as an illustration of their determination to make that a Utopia where all shall live happily, they say they will bring them back to that glorious period of reconstruction, when the Negro Governors and the Negro legislatures showed what able statesmen they were, and how skilled they were in Statecraft.

I shall show that this bill represents the spearhead of that program, which proposes to plunge the South again into that bloody and awful time, when men and women slept in terror, for they knew not what the night would bring, and rose trembling in the morning, for they knew not what would come with the morning sun. This bill is the first order on this Communist program, which holds out to the Negroes of the South the promise of this autonomous Negro soviet republic, the death, or liquidation, of all whites who had any part in the Government or anything to do with the Government, which will of course include voting, which will let them expropriate and confiscate, without one nickel of compensation, every acre of land in that section owned by a white man.

This bill is the spearhead of the Communist program, as I have already developed from articles I have read, and will show from a large number of other articles I propose to read in the near future.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. McKELLAR. Did I understand the Senator to say that this bill, which no one has the courage to stand up and fight for, is on the program of legislation required by the Communist Party?

Mr. RUSSELL. Since the Senator seems to be interested in that phase of the matter, without going into all the program, I wish to show some of the propaganda that is being carried on now. I shall not be diverted except for one or two statements at this time, and I shall thereafter present this matter in sequence.

I have here an editorial from the Sunday Worker, which is the official organ of the Communist Party. This is headed "Where There Are No Filibusters." I read:

There are no filibusters in the Soviet Union.

For a very good reason. If any person in the Soviet Union expressed the slightest view contrary to that of Mr. Stalin, that would be his last expression on this earth. They would not even give him time to say a word of prayer before they shot him down.

Mr. CONNALLY. They would make a point of order against him, would they?

Mr. RUSSELL. A point of order with a bayonet. I read from this Communist paper:

Democracy and the people's will cannot be sabotaged in the Supreme Soviet of U. S. S. R., whose sessions opened Wednesday.

We in America live in one of the freest capitalist democracies in the world. Yet how limited our democracy is.

Two sessions of Congress have been held since the election. Yet with the exception of the housing bill—which, incidentally, was greatly mangled before it finally passed—

I had not noticed that. I am sorry the Senator from New York is not present in order that he might see how he has

mangled the housing bill. I found in the Daily Worker that the Senator from New York had wired the Communist Party in New York that he was going to pass this antilynching bill. He sent them a telegram, as they said, in quick response to a wire of the Communist Party in New York, and told them he was going to pass this antilynching bill. Of course, that was last November. The Senator from New York was a little optimistic. It has not been passed yet. We do not know what the future holds.

Mr. McKELLAR. I think we can safely say it is not going to pass.

Mr. RUSSELL. I know it will not pass tonight. [Laughter.]

Here is this article extolling the merits of the Communist form of government in Russia, as compared with the democratic form of government in the United States:

Two sessions of Congress have been held since the election. Yet with the exception of the housing bill—which, incidentally, was greatly mangled before it was finally passed—

Of course, it has not passed yet. The Senator from New York is so devoted to the pending measure that he will not bring out the conference report on the housing bill. He is afraid it might disturb the consideration of the pending measure.

Oh, yes; these great advocates of the "new order" here on the floor of the Senate, these great "progressives," who rise here and criticize a Member of the Senate because, perchance, he votes against one of the President's bills, we find so interested in this bill, which the President has never publicly endorsed, and no man on the floor of the Senate has ever said he has privately endorsed it, that they are willing to sabotage the President's entire program and hold the housing bill in their pockets, although it has priority under the rules of the Senate over the pending bill, in order to try to pass this indefensible, misnamed antilynching bill.

"Why is this?" this Communist paper asks, and answers:

Because a coalition of reactionary Republicans and Democrats in Congress * * * have ganged up against the people's mandate and succeeded in paralyzing the processes of democracy.

A case in point is the present filibuster against the antilynching bill.

The bill has been passed by the House. More than 70 Members of the Senate have declared themselves in favor of it. Yet a handful of reactionary southern Senators refuse to let it come to a vote, refuse to let democracy work, and by their filibuster are not only holding up this measure but all other legislation.

Mr. President, that statement is one which has been oft repeated. We are being charged with blocking other legislation when the rules of this body give the conference report on the housing bill the right-of-way and give any other bill which has been dealt with by a conference committee the right-of-way. But the chairman of the Senate members of the conference committee handling the housing bill, a measure designed to insure the expenditure of \$16,000,000,000 in the durable-goods industry in order to provide work for thousands, holds that conference report in his pocket and does not present it to the Senate because he is so intent in having this iniquitous, misnamed, so-called antilynching bill passed.

Referring to the pending measure, this article continues:

The bill was passed by the House. More than 70 Members of the Senate have declared themselves in favor of it. Yet a handful of reactionary southern Senators refuse to let it come to a vote, refuse to let democracy work, and by their filibuster are not only holding up this measure but all other legislation.

Capitalist democracy works so imperfectly and must constantly fight for its life against the pro-Fascist big business groups because economic power is in the hands not of the people but of the dukes and earls of Wall Street.

How different is all of this in the Soviet Union, where socialism has been established. There the people are really masters of the country, and their elected deputies, coming from their own ranks, really are able to speak for them and to carry out their will. There the new Stalin constitution, the constitution of socialist democracy, with its guarantees of the right to work and the right to leisure, is a lighthouse of freedom pointing the way to oppressed humanity everywhere.

Yes; it is thanks to the Communist Party of the Soviet Union, thanks to the leadership of the immortal Lenin, of Stalin, that

capitalism and its bloody offspring, fascism, have been forever destroyed over one-sixth of the earth's territory.

And it is thanks to the Communist Party, thanks to Lenin and Stalin, that the decisions of the supreme Soviet, meeting in the midst of a world racked with fascism and war, will prove a tower of strength not only to the Soviet people but to the millions in the capitalist countries who fight for peace and democracy.

Mr. President, while I am dealing with this subject from the present-day standpoint of the attitude of the Communist Party toward the first plank in their program as it affects the colored people, and the effort to draw them into the Communist Party, and to establish this soviet Negro republic in the South, we find here an article which creates, as they call it, a "roster of shame" which bears the names of those who have opposed this bill.

I find in this roster of shame, which the Soviet Party has engraved on the front page of the Daily Worker, that the name of the distinguished Senator from Texas [Mr. CONNALLY], like Abou Ben Adhem, leads all the rest. First comes TOM CONNALLY. Then comes JOSIAH W. BAILEY. I am proud, Mr. President, that my name appears next even though I am only an humble soldier in the ranks in this fight to preserve the democratic processes in this country, in this fight to preserve the dual system of government, in this fight to prevent having the South again baptized in blood as in the days of reconstruction. My name appears third on the list.

Let not the Senator from Tennessee [Mr. McKELLAR] look slighted. I find here on this roll the name of KENNETH McKELLAR, of Tennessee, beside the name of that great statesman, whose name and reputation will live forever in this country, the distinguished Senator from Idaho [Mr. BORAH].

Mr. President, those of us here in this country who are seeking to preserve our democratic institutions have been greatly heartened by the courage and the vision and the statesmanship of the distinguished Senator from Idaho. In this period, when men set their sails to catch every vote that might be borne along by a passing breeze; in this period, when men in public life oftentimes yield to demands of the moment made by groups, without looking into the principles involved; in this period, when we see one organization having the strength to take charge of the Senate of the United States and shove the program of the President of the United States into the ashcan; now, at a time when many of those who were nurtured at the warm breast of the South, who have never received aught save respect and kindness from the people of the South, have gone off and deserted us—at such a time we find one outstanding Senator who has the courage to voice his convictions on the floor of the Senate, and who has the understanding of problems that inspires that courage. The people of the South will ever revere the name of WILLIAM E. BORAH.

Mr. President, as I said earlier in the evening, in the past 70 years marvelous progress has been made in the South. Prostrate in 1865, it took 35 years for the tax values in my State to reach those of 1860, at the outbreak of the Civil War, whereas the tax values in those States which were not ravaged have trebled and quadrupled. Seventy years is but a brief day, but a short time, in the life of nations. Yet in those 70 years we have solved the question of two races living together, yet separately, two races living in the same State and in the same communities, with the very minimum of jarring clashes. But at this time we hear the voices of political organizations, we hear the voices of those who would attempt to pillory the sections that have made that marvelous record.

Mr. President, to show that the Communist Party has adopted the program which I have heretofore outlined and which it has been repeatedly charged on the floor of this body would be carried out in the South following the passage of this bill, a charge which no supporter of this bill has denied, I have here another editorial from this same Daily Worker with regard to remarks made on the floor of the Senate by the distinguished Senator from Mississippi [Mr. HARRISON]. This is from the Daily Worker, central organ of the Communist Party of the United States of America, sec-

tion of Communist Internationale, of January 12, 1938. The editorial is headed:

A SENATOR LETS THE CAT OUT

In the course of their filibuster in the Senate against the anti-lynching bill the opponents of the measure while away the hours with all sorts of phony arguments. One says the bill steps upon the toes of State rights.

Of course, that argument would not be very persuasive with a Communist, because a Communist does not believe in any States' rights. The Communists believe in having one government, and if it is operated as the government in Russia is operated, it is run by one man. I say that, so far as actual operation is concerned, there is no difference between fascism and communism. There is this difference, that if you object to Hitler's government in Germany, you are shot down with Fascist bullets, and if you object to Stalin's government in Russia, you are shot down with Communist bullets. There is very little real difference between the two. When a man is dead he is dead, and I do not think he would gather much consolation from the fact that he was shot by a Fascist bullet rather than by a Communist bullet, or vice versa.

One says the bill steps upon the toes of States' rights and therefore is unconstitutional. Another presents figures of the past 70 years with which he tries to prove that the States themselves have been dealing with the lynching problem.

Of course, we not only proved that, but we proved it so conclusively that every fair-minded man who was not tied lock, stock, and barrel by commitments with respect to this bill acknowledged there was no occasion for such a law as the measure before us. The able Senator from Arkansas cited facts and figures to show the Senate beyond any room for argument lynching was the only crime in the country that had been all but wiped out.

In the Senate of the United States, in night session, on the twenty-third day of this great crusade against crime, the great Senators who are supporting the bill, arrayed in their raiment of white, I might say furnished by Walter White, are out to strike down this dragon of crime and are undertaking to deal with 8 out of 12,000 murders in the United States in the name of dealing with crime.

They do not want to touch murders resulting from gangster killings in their own States. They put in a specific prohibition against that. It would in effect be equivalent to issuing a Federal license to all gangsters, "Get out and kill, murder, and maim, and your victim cannot recover any \$10,000. We are here legislating against crime, and we are trying mighty hard to have this bill passed before lynchings are ended entirely. They are all but ended now, and if we do not get the bill passed before lynching is ended we are likely to be without an issue."

So they must be here day and night pounding away in this great crusade against crime and crusade against 8 out of 12,000 murders, against 8 out of 1,500,000 felonies in this country, in the name of dealing with the crime problem.

Mr. President, I say it is positively sickening to see the dignity of the Senate of the United States so prostituted and brought down to this level, dealing with only 8 of 12,000 murders, 8 of 1,500,000 felonies. Yet all other crimes are left alone, are allowed to continue unchecked, and nothing whatever is done about them.

I was digressing for a moment, Mr. President. However, my sense of justice and decency and fairness is so outraged when I think about a man coming here and saying that he is dealing with crime, and is going to stop crime in this country by means of any such outrageous proposition as this, that I shall probably digress to make practically the same statement again before this discussion is concluded.

Here is the reference to the distinguished Senator from Mississippi in this paper:

Every once in a while one of these gentlemen opens his mouth wide and lays bare the hideous soul of the lyncher.

That is a reference to the distinguished Senator from Mississippi, a man who is well known and who has had a

long and distinguished career in this country, a man who has been honored by being made a Senator of the United States, a man who has been recognized as a wheel horse in the Democratic Party.

He has such remarks as that leveled at him by those supporting men who say they are members of the Democratic Party who are sponsoring this bill on the floor. We could say with more justice that any statement in behalf of this bill laid bare the hideous soul of a gangster, or a rapist, or a burglar, because the bill does not even undertake to punish any of those fast-increasing crimes. It exempts all of them.

When it comes to the gangster who shoots down innocent persons on the streets of New York, he is exempted. When it comes to some rapist defiling some innocent child in the great city of New York, he is exempted. I have shown heretofore that sex crimes are on the increase in New York. When it comes to burglary in New York City, the burglar is exempted. I have shown that even the people who were on their way to church in New York City on New Year's Eve had to go under police escort to keep themselves from being robbed, and had to carry arms in order to ward off the attackers who would beat and rob them.

It is said that Congress has no power to deal with such crimes. The proponents of the bill say, "Oh, no! Do not come into our States and try to deal with our gangsters or with our constituents. Do not fine our counties \$10,000 for a gang murder. Let that be visited on some other section, but not in my State."

It is said that the Federal Government has no power in such cases. We might say with much more logic that the proponents of the bill favor all those crimes, rather than having it said that those who are opposed to the bill favor lynching.

The newspaper to which I have referred attempts to depreciate the speech of the Senator from Mississippi. It says:

Declaring that the backers of the anti-lynching bill would not be satisfied with its passage, but would come back for more, HARRISON said:

"They will come back here and seek the help of the majority party in power to take away from the States the right to say who shall vote in their elections, and to say that every colored man in every Southern State should take part in the primaries in the State."

That is a quotation from the speech of the Senator from Mississippi. Of course, the Senator from Mississippi might feel some little alarm about that, because if that part of the Communist program, of which this bill is the spearhead, should be adopted, it would mean that in the State of Mississippi, which has a large majority of Negro population, there would be a Negro Governor; there would be two Negro Senators in this body; there would be Negro Representatives; there would be Negro sheriffs. There would be Negro county officers, because there is a majority of Negroes in Mississippi; and, therefore, the Senator from Mississippi was naturally concerned when he saw this proposition to come into the State of Mississippi and have this powerful communistic central government threaten to take away the right of the State to say how its elections should be conducted and to prescribe the qualifications for voters.

As I have pointed out heretofore—and as I shall point out again—it has been charged that the supporters of the measure we are now considering are in favor of the Federal Government taking over the election machinery of the 48 States, and not a single supporter of this bill has denied it—not one.

The reaction of this Communist newspaper to this proposition shows that it is a part of this general scheme:

Here we have the reactionaries in the South who shout that the anti-lynching bill is unconstitutional, brazenly announcing that they will continue to violate the fifteenth amendment to the Constitution, which guarantees the franchise to the Negro people; that they will try to keep the Negroes in that condition of political slavery which makes them a prey to Jim Crowism, oppression, and lynching.

I have stated that this is a part of the program.

Here we also have revealed the importance of the antilynching bill as a step toward actual democracy in the South, and therefore greater freedom for America.

It is a step in the program. This Communist newspaper says that the program includes the other legislation to which I have referred, the fifth part of which is the Communist Party plank to liquidate or kill the whites, take their property away from them, and drive them out of the Southern States in order that the soviet Negro republic may be set up there.

As this picture unfolds, those who have never lived in a section that has had to bare its breast to every form of Federal legislation that scheming politicians could devise will be able to understand how some of us feel when we say that we will fight this monstrous and infamous measure as long as the breath of life is left in us and we have enough strength to stand on this floor and protest.

This article continues further:

HARRISON, the reactionary, has unwittingly given the most powerful argument for smashing the filibuster and enacting the bill into law.

Why has he given the argument? Because they say this bill is the spearhead of the program of legislation I have recounted here which will wipe out the civilization of the South and make it impossible for a white man to live there, because this program, which I shall discuss in a few minutes, shows that they intend to disfranchise any man who has heretofore voted in the South, and to expropriate and take away the farm or the home of any man in the South who owns one today.

The PRESIDING OFFICER. The Chair must admonish the occupants of the galleries to be more quiet.

Mr. CONNALLY. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Is there anything in the rules that prevents the occupants of the galleries from enjoying the proceedings of the Senate? So few people do enjoy them that it seems to me those who do should be permitted to do so.

The PRESIDING OFFICER. Under the rules, the Chair is charged with maintaining order among the occupants of the galleries. The Chair hopes the occupants of the galleries will enjoy the session without interfering with it.

Mr. CONNALLY. It seems to me that if those in the galleries want to laugh or enjoy themselves for a few moments at something that transpires in the Senate, they ought to be permitted to do so. They are free American citizens. They are invited here, and they have a right to be here. So many people "cuss" the Senate that it seems to me that anyone who wants to approve or smile at us ought to be encouraged. [Manifestations of applause in the galleries.]

Mr. RUSSELL. Mr. President, inasmuch as the parliamentary inquiry of the Senator from Texas has been answered by the Chair, I shall continue the reading of this pamphlet, *The Reds in Dixie*, this being the program of the Communist Party to which I referred a few moments ago. I believe I had already dealt with the statement which shows that the Communist Party claims that it is the only organization which demands legislation to defend the Negro worker and give him an antilynching law. That is what it claims. Of course we know that is not true.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Do they exclude the authors of this bill?

Mr. RUSSELL. Let me read this again. The Senator from Texas perhaps was diverted when I read it a moment ago:

Only the Communist Party has called for the organization of defense groups of white and Negro workers to protect the Negro people from the lynch mobs of the bosses and demands the death penalty for lynchers.

It seems that not all the program is in the bill before us.

Only the Communist Party openly defies the Jim Crow laws and regulations of the southern ruling classes and smashes these bars between black and white wherever possible.

I should like again to invite the attention of the Senate to the fact that it has been charged here, and not denied, that following on the heels of this bill will be a bill to strike down the statutes of some of the Southern States which prohibit the intermarriage of whites and blacks. If such statutes were stricken down, the marriage of Negro men and white women and white men and Negro women would be permitted and encouraged in the suggested legislation.

Following up that idea, this is what the Communist Party says:

Does this mean that the Communist Party demands that white men must marry Negro girls and that Negro men must marry white women? Of course not.

In other words, they do not demand it.

The Communist Party does not attempt to order the personal lives of its members or any worker. Whom a worker shall marry is up to the man and woman involved and no one else. While forcing no white person to marry a Negro and no Negro to marry a white person, it demands the absolute right of white to marry Negro and Negro to marry white where both parties desire this. In other words, it demands and fights for complete and unrestricted social equality for the Negro people in every field of human relations.

There we have the third plank of the Communist Party, one of the planks of the program which, it has been charged here, would follow in the wake of this bill, and which would receive practically the same support as this bill, and which no Senator on this floor has challenged.

I shall now take up the program to establish the Soviet Negro republic. I may say that these articles have been scattered throughout the entire South. They have been disseminated from one end of the country to the other. The action of the Congress in taking up and passing this Communist program cannot do otherwise than to speed and lend impetus to this entire program, which will mean the destruction of southern civilization, the murder of all the southern whites, and the expropriation and confiscation without compensation of all property that is now owned by the white people of the South. They permit the Negroes to keep theirs.

A large part—

Says this pamphlet entitled "*The Reds in Dixie*," which sets forth the program of the Communist Party—

A large part of the Negro people live in what is commonly known as the Black Belt. This territory, including over 200 counties—

I have other literature here in which the area is extended considerably, and takes in 350 or 400 counties—

stretches thousands of square miles in a continuous line although crossing into several States. In this territory the Negro people are a majority of the population. * * *

The Communist Party believes that the Negro people in the Black Belt, if they are to be really free, should have the right to control and govern this territory—

"To control and govern this territory"—

and to develop their life and their culture in their own way. It believes that the Negro people in the Black Belt should be secure from interference either by the white bosses * * * or by the Wall Street gang and the Federal Government which they control.

This does not mean that we want to establish some sort of a Jim Crow state. On the contrary, the white croppers and workers in the Black Belt would be welcome to stay. They would have equal rights, would have a voice in the government, and their rights would be fully protected.

In other words, Mr. President, the Communists are going to be very kind to some of the white folk; they are going to let them stay; they are going to permit them to have an equal voice with the actual rulers of this Negro soviet republic who will be the Negroes.

Mr. POPE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. POPE. From what is the Senator now reading?

Mr. RUSSELL. I am reading from a pamphlet entitled "*The Reds in Dixie*."

Mr. POPE. Who is the author?

Mr. RUSSELL. The statement on the first page is "Who are the Communists, and what do they fight for in the

South?" It is "by Tom Johnson," and is published by the Workers Library Publishers, which is the publishing house of the Communist Party in New York City, for the Southern Worker, which is the southern publication, I assume. The Daily Worker is the organ of the Communist Party in the Nation.

I continue reading from the pamphlet:

It simply means that the Negro people, as the majority in this territory, would have the right to self-government, the right to determine what kind of government it is to have, and—

Listen to this statement, Senators who are here and who unwillingly, perhaps, have given support to the head of this Communist drive—

what connection, if any, this nation is to have with the United States Government.

In other words, they are going to set up a Negro soviet republic in the South from the Eastern Shore of Maryland around to Texas, and after they have gotten through "liquidating," which is a new Russian-Soviet-Communist word for just plain killing, which would apply to the lynching of a white man by Negroes or a Negro man by a white, then they are going to determine after taking over the land and all the civilization of the South what relation, if any, they will have to the United States Government.

The Negro people may not want to set up a separate nation from the United States and the Communist Party would never think of forcing it on them.

In other words, the Communist Party might be good to this Negro republic after they got through killing all the white people in the South and not force them to come into the United States, but if they do not want to do that, they are to have their separate government.

Moreover, if the Negro people in the Black Belt should get the opportunity of self-government at a time when the working class would be in power in the United States, the Negro Communists would undoubtedly advocate that this nation should remain a federated part of the Soviet United States. But the Communist Party will support and fight for, and calls upon the white workers to fight for, the right of the Negro people in the Black Belt to full self-government, their right even to establish a separate nation if they should wish to do so. This is what we mean—

Referring to the Communist Party—

This is what we mean by the demand for the right of the Negro people in the Black Belt to self-determination.

There, Mr. President, you have the picture. They have stated that the first bill they are going to have passed is the antilynching bill. The second step is going to be to take over the election machinery of the States; the third, the legislation permitting intermarriage of the blacks with the whites in the South; the fourth is a civil-rights statute; and the fifth is this soviet Negro republic. Then the author of this pamphlet proceeds to attack religion, which is a good old Communist custom. Of course the Communists say in all their works that religion is the opium of the people and stands in the way of progress. The mere fact that for some generations past in the United States that many good people have departed this world with a firm conviction sustained by faith that they were going to a better world means nothing.

Mr. President, I have been discussing the right of self-determination and self-government for the Negroes of the Black Belt, as set forth by this pamphlet. I now come to the issue of religion, continuing to read from *The Reds in Dixie*:

HOW THE BOSSES USE RELIGION TO DIVIDE THE WORKERS

There is one other issue which, although it is not so dangerous for the workers as the issue of white superiority, is frequently used by the bosses to divide the workers. That is the question of religion. This is just one more fake issue which the bosses use to divide the workers and prevent them from united struggle against wage cuts. The Pope may not be much good, he may even be harmful—and frankly we Communists think he is—but it is against the boss right here in America, who cuts the wages of both Methodist and Catholic, that we must direct the main fight. And the only way to do it successfully is for Catholic and Methodist to forget their religious differences and unite to fight their common enemy—the capitalist class.

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. DUFFY. I was not present when the Senator began to read. What is the document from which he is reading?

Mr. RUSSELL. I am reading from a pamphlet entitled "The Reds in Dixie," which is a Communist Party publication which is being disseminated among the Negro race in the South and throughout the entire United States, for that matter, but it applies particularly to the South. It is published by the Workers' Library Publishers, of New York City, for the benefit of southern workers. This is a very mild one I may say to the Senator from Wisconsin. I will refer to some others after a while that really advocate stringent measures. I am starting on this one and gradually working up to the attitude of the Communist Party on this question and showing its connection with the pending bill.

After a further discussion of the religious issue the pamphlet inquires—

What about the question of revolution?

I have shown how, under the guise of assailing the bosses, they have undertaken to strike down the civilization of the South; they have undertaken to destroy religion; they have undertaken to confiscate the property of anyone who might own a little land; they have advocated the disfranchisement or death of any man who would deny the Negro the right of self-government. Then we come to the question of revolution.

What about the question of revolution?

Finally, the bosses try to frighten the workers away from the Communists by shouting that the Communists want a "revolution," that they are "against the Government," etc. They talk as if the Communists had invented the idea of revolution and had some kind of a patent on it, when every child knows that the United States was born and became a separate country as the result of a revolution—and a mighty bloody one at that.

Ah, Mr. President, advocating actual revolution; using the struggle for freedom in 1776 as an excuse for their scheme to overthrow the Government of the United States, to bathe this land in blood, when we have here a democratic form of government under which a majority of all the people in the United States have the right to express themselves and to adopt any form of government they may desire.

The article continues:

Of course that revolution, while it was a step forward in the development of the country, was a revolution of one set of bosses (American bosses) against another set (the British bosses).

[At this point Mr. RUSSELL yielded the floor for the day.]

Wednesday, January 26, 1938

Mr. RUSSELL. Mr. President, notice has been served here that following the most unusual legislative proceeding on this so-called antilynching bill, the extraordinary measure known as cloture or gag rule will be resorted to in an effort to bring the pending bill to a vote.

In the last parliamentary body in the world where freedom of debate is permitted today, in one of the few remaining democracies where the rights of minorities are recognized, notice has been given that an effort will be made by a two-thirds vote of this body to impose what is known as gag rule, and to prevent any further discussion of this bill, the proponents of which have never taken the floor in their own right to explain and to defend it.

Mr. President, I have no fear that this unusual gag rule will be adopted by the Senate of the United States. I am convinced, sir, that there is too much of righteousness and the spirit of fair play on both sides of the aisle to allow those who are sponsoring this effort to cut off all debate in this body, to which we sometimes refer as the "greatest deliberative body in the world," to carry out their plan. I predict here and now that the sponsors of this odious cloture proceeding will have a great deal of difficulty in securing even a majority of the Senate to vote in favor of cutting off debate, and that they will fall far short of securing a two-thirds vote for this motion.

Mr. President, if there is any one cardinal distinction between a democracy and a Communist form of Government or a Fascist form of government it is that in democracies the rights of the minority are protected, and that the minority

have some rights to express themselves. I have never been in favor of gag rule in the Senate of the United States. Since I have been a Member of this body it has been advocated on only one occasion, but I know, and all other Senators know, that there are times when a majority are swayed by passion or by prejudice, by partisanship, by misinformation or ignorance, or by some ulterior desire or purpose, when they will perpetrate great wrongs on minorities which are not justified by the facts, which are not justified by any condition which exists in the United States. On some occasions this country has been saved from detrimental measures by minorities, even as those of us here today are convinced of the righteousness of our cause and are carrying on this fight against the pending iniquitous so-called anti-lynching bill.

I was greatly heartened by the statement of the leader of the minority party in the Senate, the Senator from Oregon [Mr. McNARY], that he would oppose the invocation of gag rule in the consideration of the pending bill. Those on the other side of the Chamber are under no obligation, political or otherwise, to those of us who are opposing the bill. I am under no illusions that the position of the Senator from Oregon, and perhaps others on the other side of the Chamber, is prompted or directed by any opposition to the bill. I know that if the bill should ever come to a final vote perhaps the Senator from Oregon and many others on the other side of the Chamber would cast their votes in favor of it.

Without regard to what prompts or moves the Senator from Oregon and others of the Republican Party to oppose the invocation of cloture in this case, I wish to say that I appreciate that action. I appreciate it just as a man whose home was on fire might appreciate the assistance and aid of his neighbors, with whom perhaps he was not on very good terms, in coming to his assistance and seeking to extinguish the flames because they might spread and consume the houses of the neighbors. So long as I am a member of this body I shall never vote to invoke cloture in the Senate. My experience in dealing with the pending bill, seeing the long line of bills which would be sure to follow, has convinced me that the application of cloture or gag rule is undemocratic and will destroy the function of the Senate as a democratic institution.

There has been a great deal of talk about the responsibility for tying up the President's program. There has been argument as to whether the leadership which is sponsoring the pending bill, or the minority opposing the bill, are responsible for the delay in the consideration of the President's program, as to where rests the responsibility for stalling this fine program for the welfare of all the people of the United States which the President has advanced in his various messages to the Congress.

Naturally I feel that the leadership bringing this bill here is responsible, but I shall not enter into any argument as to who is responsible for the delay. For my part, I am perfectly willing to assume whatever part of that responsibility should be mine. Convinced as I am of the righteousness of the position of those of us who are opposing the bill, I am perfectly willing to commit myself to the program of stopping all legislation until this matter shall have been removed from the consideration of the Senate.

Mr. President, if by some chance, if by some circumstance which cannot now be foreseen, cloture should be invoked, I would be willing to be one of 20 Members of the Senate, one-fifth of this body, who would sit here and offer amendment after amendment to the bill, until 10,000 or 20,000 roll calls had been had, before I would ever see the bill passed. I realize how utterly unnecessary and futile it is, what a political gesture it is, and the consequences sure to follow in the wake of the legislation. So those who stake their hopes solely upon securing cloture, who would gag and silence those opposed to the bill, need not deceive themselves that this measure will be passed by the Senate merely because cloture is invoked. There are other methods of fighting the measure than speaking against it. We can resort to offering amendments until the Senate ceases to consider the bill and turns itself to the consideration of changes in the rules, which

will be necessary to bring this matter to a vote. The Constitution guarantees us the right to a roll-call vote when one-fifth of the Senate demand it.

Mr. SMATHERS. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. RUSSELL. For a question only.

Mr. SMATHERS. If the Senator thinks that the cloture rule is so sacred that it should never be invoked, does not the Senator think that the rule ought to be removed from the Senate rules so that it could never be invoked?

Mr. RUSSELL. I will be delighted to join the Senator from New Jersey in removing the rule for cloture from the rule book. My experience in dealing with the pending measure has convinced me that the invocation of cloture in any event is wrong. I shall never vote for cloture under any circumstances. I say that if the minority in the Senate are willing to assume whatever responsibility goes with fighting to the bitter end any piece of legislation, that responsibility should be considered in protecting the rights of the minority to be heard and should be respected in this body.

Mr. President, Senators need not worry. Unlimited debate in the Senate will never be abused. In how many instances have measures which were of far-reaching importance and benefit to all the people of the United States been stopped here on the floor of the Senate by any minority? I challenge any Member of the Senate to point to any one bill of far-reaching and general importance, which would have benefited all the people of the United States, which has ever been stopped in this body, which has ever been defeated here because of the efforts of a determined minority in whose hearts and souls there was alive a spirit of confidence in the righteousness of their action, who were willing to go to any lengths in order to defeat a bill. Senators may look back at the records of the times when cloture has been invoked and consider the bills which have been passed under cloture, and I challenge those now sponsoring cloture to point to any good that has followed. When there is an honest difference of opinion there will be no opposition which will dedicate itself to stopping all bills until the measure in dispute is removed from consideration by the Senate. Men may differ in opinion as to the effect of ordinary legislation. When we see the general trend of legislation, such as the bill before us, striking down the rights of sovereign States, the first step, as I pointed out last evening, in the program of the Communist Party, who are seeking now to propagandize the entire South, I say we are fully justified in fighting it to the limit of our ability, to the end of our endurance, to the last word we are able to utter in protest. For my part, if any responsibility for this movement is mine, I shall take it gladly, and wear it as a badge of honor.

Mr. SMATHERS. Mr. President, will the Senator yield for one more question?

Mr. RUSSELL. I yield for a question.

Mr. SMATHERS. Does the Senator from Georgia assume any responsibility to the 4,000,000 citizens of New Jersey in preventing a vote from taking place on the pending measure?

Mr. RUSSELL. Mr. President, I do not exactly understand the question of the Senator from New Jersey. I did not know that the welfare of the 4,000,000 citizens of New Jersey was bound up, inextricably interwoven, in this measure. The Senator from New Jersey has not taken the floor in his own right, though the matter has been pending here day after day and week after week, to state how this measure is of great importance to the 4,000,000 citizens of New Jersey. I feel very kindly toward the 4,000,000 citizens of New Jersey. I would gladly support any legislation which would improve their economic well-being, which would advance the progress of New Jersey, and bring about a more abundant life to the citizens of that Commonwealth; but merely because groups in New Jersey, the Senator from New Jersey, or 4,000,000 people in New Jersey favor the abolition of State lines and the striking down of the powers of the States of this Republic, I shall never consent to the enact-

ment of such a measure as that before us. If this is the kind of a bill the Senator from New Jersey thinks essential to his people, I am willing to assume the responsibility for my efforts to defeat it.

Last evening, Mr. President, I was discussing the Communist program. I was attempting to show that if by any accident or chance there should be any Member of this body who was supporting this bill with the thought that it might react to his political advancement, that he need not place too much dependence upon that idea, because I pointed out that the Communist Party was seeking to capitalize on whatever credit might be claimed by those here in position of power in the Senate for the passage of this bill. I had shown by reading some articles in the Daily Worker, the official organ of the Communist Party, that that organ was the most vocal, the most voluble, and the most vicious of all the newspapers in the United States in supporting this measure and assaulting those who were opposed to its passage. I had read an article showing that requests had been printed in connection with the attack on the opponents of this bill, demanding that the various units of the Communist Party immediately telegraph the Senators who were opposing this bill and demand the immediate consideration and passage of this bill.

The distinguished Senator from Texas [Mr. CONNALLY], who has in such able manner been directing the forces of those of us who are opposed to this bill, has just handed me four telegrams from Brooklyn and from New York City with reference to this measure. I read one:

BROOKLYN, N. Y., January 26, 1938.

Senator TOM CONNALLY,
Washington, D. C.:

End shameful filibuster immediately. This is slander against Negro people of America. Pass Wagner-Van Nuys antilynching bill.

This telegram is signed "Communist Party, 28 Graham Avenue, Brooklyn."

Here is another telegram from New York, dated January 26, 1938:

Congressman TOM CONNALLY,
Washington, D. C.:

Evidently the Communist Party in its great leveling-off process here sought to demote the Senator from Texas to the House, or promote him, according to the views of the Senate or the House, or whether it is a Member of the Senate or the House who is viewing the question.

The twenty-fifth CD—

I am sorry, Mr. President, that my study of the Communist Party does not enable me to explain that "CD."

The twenty-fifth CD of the Eighth Assembly District of the Communist Party, New York, hereby register their protest against the outrageous filibuster being waged by you in violation of American democratic principles. We demand orderly procedure prevail and a vote allowed on the antilynch bill.

That one is not signed. There is no signature, but it states "the twenty-fifth CD of the Eighth Assembly District of the Communist Party." They evidently assume the responsibility for sending the wire.

Here is another one from New York dated January 25, 1938:

Hon. TOM CONNALLY,
House of Representatives, Washington, D. C.:

Vigorously protesting the undemocratic procedure of filibustering. Antilynch bill must be passed.

Mr. President, I stated last evening—and I shall go further into that question today—that this bill is No. 1 on the "must" list. It is No. 1 on the agenda of the Communist Party.

Vigorously protesting the undemocratic procedure of filibustering. Antilynch bill must be passed.

TWENTY-SIXTH ELECTION DISTRICT OF THE EIGHTH A. D.
NEW YORK COUNTY COMMUNIST PARTY.

Here is another one to the distinguished Senator from Texas, from New York, dated January 25, 1938:

We, Communist Party, twenty-ninth election district, eighth assembly district, New York County, protest vigorously your disgraceful filibuster against antilynching bill. We demand immediate end this filibuster and passage Wagner-Van Nuys antilynching bill.

This telegram is signed "Communist Party Election District 29."

Mr. CONNALLY. Mr. President, will the Senator yield for a question only?

Mr. RUSSELL. I am glad to yield for a question.

Mr. CONNALLY. Am I correct in understanding the Senator to have read five telegrams from the various branches of the Communist Party in New York State denouncing the Senator from Texas for opposing this bill?

Mr. RUSSELL. Mr. President, I have read four telegrams denouncing the Senator from Texas for opposing this bill; and, of course, as I have stated and read here from the Communist Daily Worker, the instructions went out to send these telegrams demanding the passage of the bill, but I imagine that most of these Communist organizations knew the Senator from Texas and decided not to waste their 35 cents or 50 cents; but four, which perhaps were headed by some foreigners who probably had just come into the country, thinking that the Senator from Texas might respond as other men in public life in other lands might do to these demands, very foolishly sent these wires to the Senator from Texas. I am delighted to note that the Senator from Texas seems unintimidated and not discouraged by these demands of the Communist Party that he cease his fight on this bill.

Mr. CONNALLY. Mr. President, will the Senator yield for a further question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. I ask the Senator if it is not true, though, that when a Senator gets four or five telegrams of a threatening and intimidating character it is apt to cause him to quake in his political boots and tremble all over the place; and perhaps it is only after restoratives have been taken, after consulting the Senate physician, that I have been able to get over to the Senate this morning?

Mr. RUSSELL. Mr. President, it might be true that there have been Members of the Senate who in times past quailed and shook in their boots at the demands of the Communist Party or of any other organization; but I know the great heart and the indomitable courage of the Senator from Texas, and if the Senate Chamber were filled to overflowing with demands and threats from the Communist Party or any other party, from New York or from the entire United States, I know that the Senator from Texas would be unintimidated and unafraid. He would stand on this floor and discharge his duty as he sees it under his oath as a Senator of the United States and oppose this iniquitous measure to the bitter end.

I might say, however, that there has been some difference in the response by different Senators to these telegrams. I hold in my hand the Sunday Worker, which is the Sunday publication of the Daily Worker, the official organ of the Communist Party, and I shall read from this copy of November 28, 1937, about another Senator's wire to this party:

Antilynch bill passage pushed, WAGNER wires C. P.

"I feel confident of the passage—"

Mr. CONNALLY. Mr. President, what is C. P.?

Mr. RUSSELL. The article in the body thereof shows that that message is sent to the Communist Party.

"I feel confident of the passage of the antilynching bill," Senator ROBERT F. WAGNER, cosponsor of the measure, wired the New York County Communist Party, 381 Fourth Avenue, yesterday.

The Senator's telegram, a quick response to a wire sent him by a branch of the Communist Party, stated:

"Thank you for your wire. I shall continue to do my utmost to secure passage of the antilynching bill, and I feel confident of its passage."

"ROBERT F. WAGNER."

Mr. President, I imagine that the confidence of the Senator from New York has somewhat waned since that wire was dispatched on November 28 of last year. If it has not, the Senator from New York is indeed the most optimistic man who ever served in this body; and great will be the dashing of his hopes when the first day of the next session of Congress comes around, and Congress convenes on January 3, 1939, and this bill has never yet been reached for a vote.

I wish to say for the benefit of those whose duty it is to cover the news in this body that they had been scooped

on this question of the cloture rule by the Daily Worker. Whereas the regular news agencies of the Nation only knew on yesterday that this cloture rule was going to be invoked and submitted in the Senate, the Daily Worker had knowledge of that fact on Sunday, January 23.

Mr. President, I had always thought that the facilities for smelling out news by the correspondents of the various news agencies here in Washington were the very finest and most highly developed in the world. I have marveled that at times, even before the author of a proposal would know about it himself, these news hawks would have full information and know about procedure, or about appointments, or about other matters that were about to transpire. But I find that in this matter they have been scooped by the Daily Worker. I read an article from the Daily Worker, the official organ of the Communist Party, issue of January 24. The article is headed as follows:

DELEGATIONS TO VISIT CAPITAL THIS WEEK IN BATTLE ON FILIBUSTER

Negro Congress urges labor and progressive groups to send protests—New York delegation in Washington today for protest.

This is a "special to the Daily Worker."

I have not read all the newspapers recently, but I did not see this article in any other newspaper. This dispatch is dated Washington, D. C., January 23. It reads:

In a concerted effort to break the brazen 3-weeks-old filibuster of Tory southern Democrats and certain reactionary northern Republicans in the Senate, delegations from trade-unions, liberal and church organizations will pour in upon Washington during the next week.

It is the present week, Mr. President, to which the article has reference.

They will visit Senators and demand invocation of the cloture ruling ending "debate" and passage of the Wagner-Van Nuys antilynching bill.

There we have the Daily Worker announcing, on the 23d of January, that demand would be made this week for the invocation of cloture, or gag rule, cutting off all debate in this body, the last citadel of free expression in the parliamentary bodies of the world.

The article continues:

Progressive and labor organizations have been urged by the National Negro Congress, which is staunchly behind the campaign being led by the National Association for the Advancement of Colored People, to send letters and wires to Senators demanding passage of this legislation.

On Monday a large delegation from labor and liberal organizations and groups in New York will journey to Washington. The delegation will visit Senators WAGNER and VAN NUYS to congratulate them on their bill. It will also call on Senator BARKLEY, Senate floor leader, and demand that the cloture ruling be invoked to stop the filibuster on the bill.

The delegation is expected to visit Walter White, secretary of the N. A. A. C. P., in recognition of the powerful campaign his organization has waged for passage of this antilynching measure.

In the delegation will be representatives from the following unions: Transport Workers' Union; United Electrical and Radio Workers' Union; United Office and Professional Workers' Union; Joint Board, International Fur Workers' Union; Writers' Union; National Maritime Union; State, County, and Municipal Workers of America (Local 1). St. James and St. Marks Churches, with two of the largest congregations in Harlem, will also be represented on the delegation.

Those are the activities planned for Sunday, the first day, under this demand for cloture, the resolution for which now lies on the desk, and which, if adopted, would cut off all debate on this bill.

On Tuesday and Wednesday delegations will come to Washington from Richmond and Baltimore, respectively.

Here we have the campaign worked out to pursue the cloture petition. One unit is advancing to the attack in presenting its demands on Monday. Others are coming Tuesday, and I notice it is a coincidence, Mr. President, that the petition for cloture was presented to this body on Tuesday evening at 10:15 or 10:20 o'clock.

Others are expected throughout the week from Philadelphia and many other cities.

I know that someone who is interested in this bill will telegraph those who have not yet arrived here that they

need not come, because the first delegations that arrived from New York and from other cities mentioned were powerful enough to see that the cloture petition was submitted; or else it was a mere coincidence that the authors of the bill saw fit to submit a cloture petition. This newspaper, however, was prophesying that it would be submitted as a result of these very activities of which it speaks. None of the great news-gathering agencies of this country, which are the marvel of our modern age, had this news story. None of them knew that such a drive was on to force a cloture petition to the clerk's desk in the Senate.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Does the Senator mean to intimate that the authors of the cloture resolution or the authors of the bill "tipped off" this newspaper without giving the same information to the great press services represented in the Senate press gallery? Or was it a sort of mental telepathy or intellectual radio which automatically, because of harmony of mind and harmony of outlook, transmitted the information from the authors of the bill or of the petition to the newspaper to which reference is made?

Mr. RUSSELL. I hope the Senator from Texas will not ask me to explain anything connected with radio, because the mystery of the radio is something I have never been able to understand. It is difficult for me to believe in it even yet when I see it in operation. But I will say, without making any intimations, that I was pointing out that this newspaper, the Daily Worker, had scored a "scoop" several days in advance on all the great press agencies of the country when it published the story to the effect that delegations would descend here in regular order in serried ranks, commencing Monday morning, to demand that a cloture petition be presented, and that on the second day they would converge on Washington from other directions to demand that a cloture petition be presented. It happened that on Tuesday evening there was a cloture petition presented at the clerk's desk in the Senate of the United States.

This Communist newspaper, the Daily Worker, contains other news items that might be of interest to some Members of the Senate. It says, for example, that—

Labor's nonpartisan league vigorously scored the filibuster of Tory southern Senators against the Wagner-Van Nuys antilynching bill and wholeheartedly came out in its support in a statement sent to all Senators this week end.

Then follows the letter a copy of which all Members of the Senate have received from this nonpartisan league.

There is some more news about the nonpartisan league and about the Senator from Texas. It says:

Senator TOM CONNALLY (D.), Texas, leader of the filibuster, indicated that he might make a motion about midweek to sidetrack the measure.

Despite the great news-gathering facilities of the Daily Worker, the official organ of the Communist Party, I know that it did the Senator from Texas great injustice when it said that he was expected to move to lay this bill aside. I know that the Senator from Texas desires to have the measure discussed fully and freely on the floor of the Senate in order that all the people of the United States may finally know the truth about it. Then it will not be necessary to lay it aside. It will fade away into the realm of the unknown when the explanation and debate of those of us here who are opposed to this measure have permeated into all parts of the country and all the people have been enlightened and their eyes have been opened to the awful iniquity of the proposed law.

This is what they were prepared to do so to combat the imaginary effort of the Senator from Texas to lay the bill aside:

Senators ROBERT F. WAGNER (Democrat), New York, and FREDERICK VAN NUYS (Democrat), Indiana, coauthors of the bill, were determined to beat such maneuvers and have summoned their supporters to meet tomorrow to form a "bodyguard" to protect the measure on the floor.

There is one little discordant note. It says that:

Labor protests over seating of Senator JOHN MILTON, appointed to succeed Senator A. Harry Moore (Democrat), New Jersey, may halt the filibuster temporarily.

In other words, the protest by the C. I. O. over the seating of the newest Member of our body, the Senator from New Jersey [Mr. MILTON] might break up the filibuster.

Labor's nonpartisan league was understood to have prepared charges against MILTON, friend of Mayor Frank Hague, of Jersey City, who is now fighting the Committee for Industrial Organization. These may be presented to Garner tomorrow in an effort to advance grounds for a Senate investigation of MILTON's qualifications.

I might say that that hope likewise was dashed. No hearing was had on the floor of the Senate on the protest referred to. I have not seen the protest and I know nothing about the nature of it or what it presents, but the thought that the protest might break this filibuster is expressed in this newspaper. I think there is a misconception. I think that the term "filibuster" is a misnomer. There is no filibuster so long as there is legitimate discussion of the question. No filibuster has yet commenced on the bill. There might be one later, but there has not been one as yet.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Does not the Senator know that quite a number of Senators who are entitled to express their views in debate on the pending bill have not as yet had an opportunity to speak once, to say nothing of two or three times? So far the discussion on the bill has been entirely legitimate and proper and in no sense a filibuster. I could name, if necessary, a number of Senators who feel that it is absolutely required that they speak, and yet they have been unable so far to obtain the floor.

Mr. RUSSELL. In response to the question of the Senator from Texas, let me point out that the Senator from Texas was engaged in conversation a moment ago when I stated that this newspaper, the Daily Worker, did him a great injustice in stating that he was going to make any motion to sidetrack this bill, because I know that the Senator from Texas believes in full and free discussion of the measure, and that there are Senators who as yet have had no opportunity to take the floor. A number of Senators who are opposed to this bill have been engaged in conference committees and in other work of the Senate, endeavoring to push forward the President's program which has been stalled by those who insist on the Senate considering the pending bill and to prepare that program which the President has brought to the attention of the people of the United States so that the Senate could consider it. Those Senators opposed to this bill have not been able to be here all the time and take the floor and express their opposition to this measure and to state their reasons why they think it should be defeated.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. May I ask the Senator whether it is true that the Senator from Texas as yet has not discussed this bill in his own time and has made no speech whatever on it; so he is entitled to make about six under the present status and the parliamentary situation?

Mr. RUSSELL. The Senator from Texas, with his usual self-abnegation and his usual generosity, has refrained from taking the floor, in order to permit other Senators who are opposed to the bill to discuss it before he did so. That was very kind and charitable of the Senator from Texas. But the Senator from Texas can well afford to wait, for all Senators know, despite the fact that this bill might be discussed by others of us who oppose it until January 1, 1939, that on January 2, if the Senator from Texas were to take the floor,

the piercing light of his logic and reasoning would bring forth new arguments to demonstrate that this bill should not be enacted into law. The great ability of the Senator from Texas makes it possible for him to withhold his remarks and sacrifice his desire to speak to this bill in order that other Senators who have reasons to state in opposition to it may have an opportunity to address the Senate.

Mr. President, there is one other short article which shows the intensity of the fight which the Daily Worker, the official organ of the Communist Party, is making for this measure. This is the only publication I have ever seen that was so strongly for a bill that it could not confine all its articles in support of the bill to its news columns, its editorial page or to its comic section. The Daily Worker invades the sporting page in order to advance its propaganda for the passage of the bill. The streamlined headline at the top of the sporting page reads:

BASKETBALL CROWD ASKS ANTILYNCHING BILL

I thought perhaps when I read that headline that some difficulty had arisen during the course of the game; that the referee had been mishandled or perhaps some of the players had been mistreated, but I read the article and for the information of the Senate I will quote a brief extract from it; I shall not read it all.

Passage of the antilynching bill was demanded by a capacity crowd which watched Brooklyn College defeat Hampton Institute of Virginia, a Negro institution, 46-31, on the former's court Saturday night in the first intercollegiate basketball game to be played between Negro and white schools.

Between halves of the game, which marked another step in banishing Jim Crow from the athletic fields, the spectators unanimously approved a suggestion that a telegram be sent to Congress in the name of the assembled crowd demanding passage of the bill.

Just recently arranged, the game drew a packed house of both Negro and white fans to witness a fast-moving game.

I say, Mr. President, that substantiates my statement of a few moments ago that the most forceful and voluble, as well as the most vicious, support of this bill among all the press of the country comes from the Daily Worker. That newspaper has even invaded its sporting page, and in the account of the first collegiate game played between a Negro school and a white school in Brooklyn, N. Y., uses that as an opportunity to advance propaganda in favor of this misnamed but labeled antilynching bill.

Mr. President, I shall now undertake to resume the theme of my remarks of last evening, at which time I was discussing the fact that this bill was tremendously important to the Communist Party of this country, but not because there is any necessity for the bill, as that idea has long since been dispelled by Senators who have shown by unchallenged statistics that lynching has all but been abolished in the United States. We have shown that, whereas other crimes are increasing in number and in their heinousness and viciousness, lynching has all but been eliminated and wiped out. We have shown that last year there were in the United States only 8 murders by lynching, the only crime with which this bill even purports to deal, as compared with 12,000 murders in other forms.

I was pointing out, Mr. President, that the pending bill was No. 1 on the program of the Communist Party, to be followed by legislation to take over the election machinery of the several States, to prescribe the qualifications for suffrage, and to provide that some little Federal agent from Washington should sit at every ballot box throughout the United States and control the elections of the people within the States. I have shown, by reference to the Communist platform, that the Communist Party hoped to elect to the House and Senate members of the Negro race, and that at least one State would have immediately a Negro Governor, due to the fact that there was a majority of colored people in that State, and that that was to be the beginning of the establishment of a soviet form of government in the South, to be known as the Negro soviet republic.

I had stated that it has been repeatedly urged on the floor of the Senate by those opposing the pending bill that a

bill to provide for the regulation by the Federal Government of the exercise of the franchise by the people of the United States was to be followed by other so-called civil-rights legislation, which would pattern a Federal statute after the laws that have already been adopted in some of the States, whence come the sponsors of this bill, which would prohibit any segregation of the races on trains, or in hospitals, or in hotels or boarding houses or bathing establishments, or any other place that is open to the public for hire or free.

I had pointed out that there was already pending in a legislative body having jurisdiction over the people of the United States a bill which would give to the Federal Government the power to strike down all State laws preventing the intermarriage of the races; and that it has been charged here that, following in the wake of the pending bill, there would come about legislation repealing all State statutes that prevent the intermarriage of blacks and whites; that no sponsor of this bill had taken the floor to deny he would vote for all such legislation, if and when it was presented, despite the fact that it had been charged that that was their legislative program. I had shown that the pending bill was the first of four planks of the Communist Party in their effort to stir up racial discord where now there is peace and amity and bring about a horrible condition that would drench the South in blood, by seizing credit for this proposed legislation and other legislation to follow which would establish the fifth of the Communist Party's objectives, which is the establishment of a Negro soviet republic in the South.

Mr. President, I wish to submit some rather startling information to the Senate. I hold in my hand the Special Election Campaign Edition, issued by the Communist Party, entitled "Why Communism? Plain Talks on Vital Problems, by M. J. Olgin, With the 1934 Election Platform."

I wish to read certain extracts from this publication. I must say that I am not acquainted with Mr. Olgin, the author of this pamphlet; I know nothing about him; but it is presented through Worker Publishing Houses, that are the official agencies for the dissemination of Communist literature; it bears the Communist Party label and sets forth in part their creed.

I shall not undertake to read all of this interesting pamphlet to the Senate, but I commend it to the consideration of Senators. I think they will find it very entertaining to get it and read it. The pamphlet gives some reason for the fear that dwells in the hearts of those who live in sections where perhaps there are three or four colored persons to one white person when they hear that legislation of the kind I have described is to follow in the wake of this bill, which is aimed at a crime which already has almost vanished.

It is one thing for a Senator who lives in a segregated area in some large city, who has police protection, who never sees a Negro except at a political meeting, to make a pledge to vote for a bill of this kind. An entirely different situation confronts the person who lives in some remote and sparsely settled rural area when he faces the prospect of having all of his county officers Negroes, having a Negro judge and a Negro Governor of his State, and when he learns that coming behind that is this program to "liquidate" him—which is the new word the Soviet Republic has given the world for killings, murders, or massacres—and to confiscate and expropriate his property without any process of law and without any compensation, to cut it up and divide it. It is an entirely different proposition.

Mr. President, I turn to this pamphlet, and I read from page 65, which goes into what is described as the "oppression" of the Negro people. I shall show later, by reading from a very able report which was submitted by the president of the American Federation of Labor, Hon. William Green, that the established Communist policy for undermining and sapping from within is to appeal to any little measure of discontent that they can find anywhere; so of course the first movement of the Communist Party is to point out to the individual they are seeking to enlist behind their program that he has been "oppressed" and he is being "ground down", so that finally the man will begin to feel sorry for himself

and will be inspired by the revolutionary spirit that they seek to cultivate.

Here is a declaration on page 65, after the authors of the pamphlet appeal to all the prejudice that is possible in the class to which they are directing this literature:

We Communists declare that the cause of Negro liberation is the cause of all the white toilers, in first place, that of the working class. We take it as self-evident truth that every nation is entitled to freedom and equality and we know that the fable of "race superiority" was purposely invented by the exploiters to justify their oppression of other nations.

There, Mr. President, we have the support of this preliminary legislation to bring about amalgamation and miscegenation of races, and intermarriage, and the abolition of any segregation of the races.

We proclaim that the American Negroes are a nation and that land, freedom, and equality, the demands that glowed on the banner of the fighting Negroes during the Civil War and reconstruction, must be the watchword of the struggle for Negro liberation today. By this is meant that the plantation system in the South should be destroyed; the land should be divided among the Negro farmers, croppers, and tenants; full economic, political, and social equality should be guaranteed for the Negroes in every section of the country; and that the Negro people be given full freedom to develop unhampered as a nation.

As to territory—

Here is the territory that they prescribe for this "nation"; and I am sure the Senator from Louisiana [Mr. OVERTON] will be interested in this statement, because the territory embraces the State of Louisiana:

As to territory, there is a continuous stretch of land running from the Eastern Shore of Maryland down into Texas through 12 States, and embracing about 397 counties, in which the Negroes form the majority of the population. This territory, commonly known as the Black Belt, is the homeland of the Negroes. They have tilled that land virtually from the time it was first settled. It is one economic unit since it is identical with the old Cotton Belt of the South. It is there where 70 years ago the Negro masses valiantly fought for their liberation.

We down South have always thought that perhaps President Lincoln and General Grant had had something to do with that; but it seems that this book, in appealing to the Negroes, says that they fought for and gained their own liberation.

It is there where today they have begun to battle for the new freedom. This new freedom we call national self-determination.

Every nation has a right to live its own life, independent of other nations. Together with the most advanced and courageous fighters among the Negroes we Communists say that this territory, this Black Belt, which by right belongs to the Negroes, must be organized as a distinct political unit regardless of State lines that now cut across it. In this political unit the Negro majority must have full governmental control, which means the right to set up a government and to organize armed forces to defend their rights. This does not mean excluding and discriminating against the white toilers now living in this territory. On the contrary, they will have equal rights with Negroes and therefore more freedom than they have ever enjoyed under the dictatorship of the white ruling class. The Government and the armed forces of the white ruling class must be removed from the Black Belt.

I shall show from other articles which I shall read subsequently that if any man has ever had anything to do with government, even so much as having voted in an election, it is proposed that he be "liquidated," or shot and killed, that his lands be confiscated without any indemnity to his heirs or his estate, and that they be divided among the members of the Communist Party, whom it is hoped to ensnare with such stuff as this.

This demand may be new to many American workers. Yet it is simple justice. It is in line with the general demand for the liberation of all oppressed nationalities everywhere in the world. The white workers in the South will fight for this demand of the Negro people, for this will be the only way they will be able to destroy the power of the ruling class.

American capitalism is oppressing not only the Negro people, although their oppression is the worst. American capitalism oppresses also a number of colonial and semicolonial peoples, like those of Hawaii, Puerto Rico, the Philippines, Cuba, and many others.

Mr. President, I am not going to read all of this pamphlet, but I do want to read the *modus operandi* by which these things are to be brought about. I want to show the plan and

the minute detail into which this book goes in giving advice as to how to bring about this "Negro nation" in the South.

How the fighting is to be done.

That is the subhead which goes over this part of the article.

How the fighting is to be done.

I shall not read all of this part of the pamphlet. It protests against the fact that the government in Cuba does not suit the author of this book, advises the readers of the pamphlet to violate all the "Jim Crow" rules, both in the North and in the South, and to unite in the same revolutionary unions and cultural and social organizations. It says:

Negro and white, fight side by side. Stop the lynch crimes.

I go over here to where the authors of the pamphlet have a picture of the day when the Communist revolution will come to pass, because the program which is headed by this bill supported by the Communist Party will have permitted them to set up Communist States in the South.

A time comes—

This refers to the time in the life of the people when the Communists shall have finally appealed to the spirit of discontent and shall have created a revolutionary feeling throughout the Nation—

A time comes when there is demoralization above, a growing revolt below; the morale of the army is also undermined. The old structure of society is tottering. There are actual insurrections; the army wavers. Panic seizes the rulers. A general uprising begins.

That, Mr. President, is the condition which it is confidently stated by the Communist Party will result with the passage of their program, the first portion of which is the bill now pending in the Senate of the United States.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield to the Senator from Texas.

Mr. CONNALLY. In the light of the very illuminating information the Senator has submitted to the Senate with regard to the activities of the Communist Party in New York, I desire to ask him this question:

Is it not entirely logical and consistent with the plan of the Communist Party, if it can be accomplished by a group of Communists in New York, to take over the Southern States and do away with white Governors and sheriffs and so on and substitute colored men, either by force of arms or by rapine or violence, that they should make the beginning in a measure of this kind, which takes over from the States the right to control their local government and the execution of their police powers, and vests it in the Federal Government, supposedly dominated by large States like New York, represented in part by the junior Senator from that State [Mr. WAGNER] and by others?

Is it not logical and consistent that they should begin in this way to chisel in and to get a foothold and then, from that springboard, go on to other measures of equality as to marriage between the races, and equality in boarding houses, and hotels, and theaters, and restaurants? Does not the Senator think that the Communist plan has been rather skillfully and adroitly composed, and if this goes over, will be on a fair way to accomplishment?

Mr. RUSSELL. Mr. President, I have stated repeatedly that the pending bill, which is designed to strike down the fundamental rights of the States, in fact, about the only right which is now reserved to the States, which has not suffered from whittling in the Congress, or from the trend of government, the police power of the States, is the first step in the program, to be followed by other legislation. Of course, we all realize that the Communists are the most skilled propagandists in the world. They would not think of coming here with one bill which would embrace all of their philosophy. They make every movement forward toward the Soviet Union and the Soviet Negro republic in the South step by step, sapping a bit here, striking down a little there, until finally, when they have abolished the dual system of government in the United States, at which this bill aims a fearful

blow, there will be no reason why they cannot seize the Government and establish the reign of terror which they say they will bring about by legislation of this kind, in the pamphlet I am reading, an official document of the Communist Party, a campaign book.

Let us assume we have come to the time when they have finally stricken down the rights of the States, passed bills of this kind, and now the revolution has taken place.

Workers stop work, many of them seize arms by attacking arsenals. Many had armed themselves before as the struggles sharpened. Street fights become frequent. Under the leadership of the Communist Party, the workers organize revolutionary committees to be in command of the uprising. There are battles in the principal cities. Barricades are built and defended. The workers' fighting has a decisive influence with the soldiers. Army units begin to join the revolutionary fighters; there is fraternization between the workers and the soldiers, the workers, and the marines. The movement among the soldiers and marines spreads. Capitalism is losing its strongest weapon, the army. The police as a rule continue fighting.

They seem to pay a tribute to the police forces of the United States. Recognizing that the police power vested in a State is the surest bulwark against communism, they imagine here that the police continue to resist this horrible, bloody page of American history which is predicted by the Communist Party in the event they can put through their legislative program, of which this bill is the first part, striking down, as it does, the police power of the States and taking into the Central Government the only power about which there is now no question of its being reserved solely and wholly and exclusively to the States.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I am always glad to yield to my friend the Senator from Texas. His contributions always illuminate what would otherwise be drab remarks.

Mr. CONNALLY. May I not ask the Senator, who has read widely in literature having to do with governmental affairs and historical conditions as to other governments, whether fundamentally under every government the primary power is not the police power, whether the first concern is not to preserve order in any government, regardless of its economic or other activities? The primary and the only excuse in the beginning for any government is the necessity for the exertion of the police power, and if the police power is taken away or impaired or infringed upon, are not the very roots of the very foundations of the government itself being sapped?

Mr. RUSSELL. Mr. President, the police power of the several States is in reality the symbol of sovereignty of the States. So long as the States or their subdivisions possess the police power, they are sovereign within their own domain; they are States, indestructible States; but when the police power of the States is taken away they become non-entities, they become satrapies of the Federal Government. When the police power of the several States is taken away, the emblem of power of the States removed, the States might as well be abolished and wiped out altogether; there is no excuse for their existence. The State would be an expensive and useless luxury if this last badge of sovereignty were taken away from it. The only excuse there could be for them would be to use them as geographical subdivisions for the election of Members of the Senate and of the House of Representatives, to come here and to centralize the powers of the National Government, until there could be brought about the kind of condition that is prophesied in this book, striking down all property rights, murdering and massacring and burning, bringing about the horrible page in America which has been written in other lands which have adopted this program.

Of course, they go at it degree by degree, as the Senator from Texas has stated. In the time of Kerensky, in Russia, who would have prophesied the bloody page Lenin was to write so soon thereafter? They go forward step by step and degree by degree, because they know that if they should uncover at once the ugly form of the communistic form of government in its entirety, the people would be frightened away from it, so they uncover it bit by bit.

Mr. CONNALLY. Mr. President, will the Senator yield for another question?

Mr. RUSSELL. I yield.

Mr. CONNALLY. The Senator was the distinguished Governor of one of our great States for a number of years, and in that office made an outstanding reputation, and is it not his opinion, from his observation and experience as Governor, the chief executive of the State, upon whom the constitution of the State usually imposes the responsibility of seeing that the laws are faithfully executed, that in every instance where local authorities are weakened or in any way their strength sapped, the whole body politic is affected, and the weakening of the local authorities has a destructive tendency upon their responsibility and their independence?

Mr. RUSSELL. A feeling of duty always accompanies a feeling of responsibility in the normal man. If we take away the responsibility of local authorities they feel they have no duty in the premises regarding any disorder, and that is one reason why this bill is so pernicious.

I appreciate the kindly references the Senator made to my term of service as Governor of my State. I am glad that term was ended before a measure of this kind was presented, which proposes to put a Governor in jail if perchance some mob should commit an act of violence somewhere in the State and the Governor did not go to the spot and confront the mob personally, and perhaps lay down his life, living up to the rule prescribed here of using every force and every power at his command. I am glad I had an opportunity to come to the Senate and oppose such a bill as this in order to make sure that in the future no Governor of a State will be put in the penitentiary for 5 years on account of an unlawful act of three citizens of a State of 3,000,000 people.

Mr. President, in my State the constitution contains a provision defining the purposes for which counties can levy taxes, and there is no provision in the constitution for the levy of a tax to enable a county to respond to a judgment in a tort case, as is sought to be provided in the pending bill, destroying the rights of the State. Suppose a judgment were obtained—and it is a very violent supposition, because everyone knows no judgment would ever be rendered under such a measure—suppose a judgment were rendered in my county for \$10,000 and the constitution did not grant authority for the raising of the \$10,000.

Under the provision of this bill, which directs the Federal district judge to jail for contempt everyone connected with the local subdivision or State government who fails to comply with his order, who fails to carry out his judgment, I suppose he can send a deputy to arrest the Governor and even the members of the State legislature and take them to the Federal court, where they could be sentenced for contempt of court because they did not amend the State constitution so as to permit the county to levy a tax to pay the \$10,000 which the bill provides may be assessed against the county.

I have digressed somewhat from what I was reading with reference to the detailed plan for the revolution that is prophesied and sought after by the most active body which is supporting the pending bill.

The police, as a rule, continue fighting—

There we have the statement that the army has been defeated, and we have only the police body of the State continuing to protect it. Such protection should be welcomed even by the Communists in this happy day of the new freedom in the Soviet Republic, which with all of its blood purges is giving what they call freedom to the people of the world. From what I hear of some phases of the Russian practices it would indeed be a "freedom" if one could leave the world and escape them—

The police, as a rule, continue fighting, but they are soon silenced and made to flee by the united revolutionary forces of workers and soldiers.

Yes, Mr. President, I assume that all of the Army and Navy and all of the workers in the United States, if they

were ever enlisted in one movement, could perhaps defeat the police force.

The revolution is victorious—

Here we have the revolution victorious. What is going to happen then?

Armed workers and soldiers and marines seize the principal governmental offices, invade the residences of the President and his Cabinet members, arrest them, declare the old regime abolished, establish their own power—the power of the workers and farmers.

Then it goes on to give the historic examples. It says:

Can it be done? It has been done more than once. A workers' revolution broke the backbone of tsarism in Russia in 1905, but was soon defeated. A workers' revolution abolished tsarism in March 1917, when a provisional revolutionary capitalist government was established. A workers' revolution was accomplished in Russia in November 1917, when the Soviet Government, which is the government of the workers and peasants, took power, to hold it to the present time.

I shall not read any further from these pages on the revolution. The book gives the condition which the Communist Party hopes to create in this country, taking step after step in a program, the first step of which is the pending bill that is here before the Senate for consideration. I shall show that the American Federation of Labor, after investigation of this question, found much evidence of propaganda of that type that was scattered throughout the entire United States. I have here a very interesting little brochure that I am sure many Members of the Senate have already seen, the Report on Communist Propaganda in America, as submitted to the State Department of the United States Government by William Green, president of the American Federation of Labor.

On page 62 of this report I find, under the heading "Samples of Communist Propaganda in the United States," the following extract from the Daily Worker of September 20, 1933. This is from the same periodical which published the article I read this morning with respect to the proposed mass movement on Washington to force the filing of a cloture petition and apply the gag rule in the Senate of the United States. This statement is by A. E. Berry. Writing from Kansas City territory, he says:

In this territory, with a large Negro population and strong southern traditions, agents of Japanese imperialism have become active organizing the Negro masses into a reactionary movement supporting Japan as the international spokesman of the darker races.

In that connection it is interesting to observe the quick change that has taken place in the attitude of the Communist forces in this country with reference to the position of America on preparedness. So long as the Communist forces apprehended that there was some possibility that the armed forces of the world might be employed to resist the movement of world revolution to establish the soviet form of government throughout the world, they were opposed to preparedness in any form. They wanted to sink the Navy; they wanted to disband the Army; they wanted to do away with all of the weapons or instrumentalities of national defense. But just as soon as it was seen that Japan was about to gain the upper hand in the East, overnight their views all changed. They then became the strong advocates of a big navy, hoping, of course, that they might hereafter be able to influence the use of that navy in a war with Japan which would redound to the benefit of the Soviet Republic. So here they justify this propaganda on the ground that they find that the agents of Japanese imperialism were also coming into this section to attempt to organize the Negroes.

I read further on page 62:

Refers to various shades of Negro misleaders preying on the national aspirations of the Negro people * * * for schemes all the way from establishing a separate national economy to begging for a colony "somewhere between Texas and Mexico."

Up to now we—

Referring to the Communist Party—

have raised the slogan of "Self-determination for the Black Belt. * * * Many comrades have argued that this slogan would not be understood and accepted by the Negro masses. But is it not time now? Are not the conditions of life for the Negro masses voting for the realization, the confirmation of this slogan, in life?

Are not the conditions of life for the Negro masses under American imperialism and the growing struggles of the workers sufficient evidence that now is the time to unleash on the robbers this giant mastiff, the Negro liberation movement? The Negro masses are answering this question, "Yes"; daily.

* * * We are now the only ones in the field with the demand for the Negro State in America.

The question faces us squarely, "Who will lead the Negro liberation movement? Will the Japanese imperialists and the petty bourgeois reformists 'lead' it into anti-Soviet channels, into the support of the robber—Japanese (and world imperialism's aim of attacking the Soviet Union)? Will it be led into the harmless channels of belly-crawling for a mesquite site 'somewhere in Texas' to be used as a 'buffer State' between Mexico and the United States?"

Or will we develop this struggle for self-determination along revolutionary lines for driving out the white imperialist landlords and slaveholders from the rich black belt soil as a fight against the capitalist system in America, as a part of the world revolutionary movement?

The time is ripe. But how shall we develop this movement? This movement must necessarily be loose. It must embrace large numbers of Negroes. It must have a central apparatus—dues, books, applications, field organizers, an executive committee.

I may say, Mr. President, that I have on my desk membership books of Negroes who belong to the Communist Party, showing that this program has been followed. It shows that they have dues and applications. I have a book of instructions for field organizers as to how to go about organizing this movement.

Now should we begin? By the present narrow League of Struggle for Negro Rights arranging a tour of two or three comrades for the purpose of explaining the program of the L. S. N. R. and setting up branches, utilizing, especially, the Scottsboro case (it would be well also if we could have one of the tenant farmers from the terror region in Alabama).

I live in a State which adjoins the great State of Alabama, and I do not know to what region that has reference, but it is stated here that that is the region from which they want to get this organizer.

After a 3-month period there could be another national convention—

And so forth.

Mr. President, that is what is advanced according to this report of Communist propaganda in America filed by the American Federation of Labor, and that is merely one sample of the Communist propaganda that the president of the American Federation of Labor thought was of sufficient importance to the future welfare of this country to submit to the State Department of the United States Government.

I also want to read a few more excerpts, because this statement of the American Federation of Labor gives a very fine picture of this entire situation.

They have a very clear understanding of the disaster and tragedy that lie in the establishment of any soviet form of government in the United States or the establishment of any soviet Negro republic in the South.

I read from page 5:

During all the years since the establishment of the Soviet regime in Russia propaganda in the United States has been conducted, not only through agencies directly set up by the Communist high command, but through agencies and organizations in which non-Communists of good standing and repute have been induced to participate.

We have such a situation here today, Mr. President. Men who would abhor the thought of communism have been beguiled, misled and deceived into supporting an iniquitous bill which is the No. 1 bill on the "must" list of the agenda of the Communist Party. The American Federation of Labor had evidently correctly analyzed the situation throughout the United States.

Continuing reading:

Throughout the whole period, Communists have made it a cardinal point to unite with every protesting minority and to engage in every effort directed against established institutions of our country. There has grown up a great group of organizations, Communist and semi-Communist. A careful study of these organizations shows that they are so related through interlocking directorates that apparently some hundreds of organizations are dominated by an interlocking group of directors numbering not more than 60.

It appears that not only are there "sixty families" in the United States about whom people write books, and conduct

discussions over the radio, and who are called to the attention of the Members of the Senate; but there are 60 directors in the Communist Party who, by reason of interlocking directorates, control all the numerous Communist groups throughout the United States. It seems that the figure "60" has some kind of mystical significance, which heretofore had been supposed to be associated chiefly with the numbers 7 and 11. We have these 60 families who, as we have been told over the radio by well-known people in the United States, represent all that is bad in capitalism. The American Federation of Labor says that there are 60 directors of interlocking Communist agencies who represent all that is bad in the effort to overthrow our Government and establish in the United States, the last refuge of democracy in the world, the Communist form of government.

In this group of 60 perhaps 10 are sufficiently influential to dominate important situations.

I have not read America's Sixty Families, so I do not know whether it is claimed that 10 of them can dominate the whole number or not, but the American Federation of Labor says that 10 of the 60 directors on the interlocking Communist directorates dominate all the vast network of Communist and semi-Communist organizations scattered over the United States, organizations which are squarely behind this bill, and which this week are even demanding that the Senate adopt a gag rule and cut off all debate and proceed forthwith to pass the bill without any delay whatever. That is their demand.

Continuing the reading:

There is no essential Communist interest in the Mooney case, nor is there any communism in the freedom of the Filipino movement, nor in anti-injunction legislation. There is certainly none in the abolition of capital punishment, yet these are examples of the type of organizations in which there has been and is active Communist participation on a hundred or more fronts. Their tactics may perhaps be called the tactics of irritation, since the purpose is to create dissatisfaction as widely as possible and to bring into disrepute the authorities and the established institutions of the country.

How well did the American Federation of Labor do its work when it presented its analysis of the American scene today as it pertains to communism. The description in the analysis is absolutely on all fours with the pamphlets that I have read and a number of others which I intend to present to the Senate, showing how they seize on tactics of irritation to create dissatisfaction and to bring into disrepute the authorities and the established institutions of the country.

Continuing the reading:

As an example, the American Civil Liberties Union may be cited. Its announced purpose is the defense of those who fall afoul of laws when engaged in endeavors for which the law should offer protection. Its practice is almost exclusively the defense of Communists.

It goes on, then, to name certain organizations and certain men. I do not think all their names are worthy of being embalmed in the pages of the CONGRESSIONAL RECORD.

Reading further:

This, in turn is interlocked with the National Council for Prevention of War, which cannot be characterized other than as a pacifist organization. * * * To pursue the subject of interlocking directorates to its conclusion would require almost a volume. Evidence in extreme can be produced if desired. The facts of the situation are not disputed, though obviously there is no agreement as to their implications.

Anywhere the slightest spirit of discontent is found that might be capitalized by this revolutionary organization, the Communists immediately identify themselves with it.

I continue the reading:

The "United front" is fundamental in Communist agitation and propaganda tactics. It means unite with every dissident cause, and it is in pursuit of this aim that Communists have penetrated and infiltrated into organization after organization, in every case bending every effort to induce each organization to bear more and more to the left, to become more and more explosive and hostile in its utterances.

The Communist Party seeks to infiltrate even into the Senate of the United States, by coming down here and demanding the invocation of a cloture rule, in harmony with the

tactics explained in this report of the American Federation of Labor. Because those of us who are opposed to the pending measure undertake, in legitimate debate, to expose all the details of the forces back of such perfidious legislation, some people are so unkind as to charge us with conducting a filibuster.

I continue reading from the report of the American Federation of Labor:

When Moscow orders, "forward march!", the Communists in the United States execute the command like so many companies of disciplined troops. All over the Communist world the disciplined companies do likewise. For those who do not obey there is excommunication and sometimes the sentence of death. Sentence of death has happened, as eventually we shall see.

That does not refer, Mr. President, to a sentence of death in some bloody purge in Moscow or St. Petersburg, which I believe they now call Leningrad. It refers to a sentence of death without benefit of due process of law in the United States, imposed by the Communist Party which is supporting the bill under consideration.

I continue the reading:

That the Communists of America follow the orders of Moscow was clearly and candidly announced by William Z. Foster, then principal leader of communism in the United States, when he testified before the commission presided over by the Honorable HAMILTON FISH, by authority of Congress.

"You take your orders from the Third Internationale, do you?" Mr. FISH asked. And Mr. Foster replied:

"The question, 'Do we take our orders from the Communist International?' is a question which reveals the utter distance of the capitalist's conception of organization from that of the worker. The Communist International is a world party, based upon the mass parties in the respective countries.

"It works out its policy by the mass principles of these parties in all its deliberations. It is a party that conducts the most fundamental examination of all questions, that come before it and, when a decision is arrived at in any given instance, this decision the workers, with their customary sense of proletarian discipline, accept and put into effect."

Those who are at all familiar with Communist circumlocution and somewhat orientalized terminology will grasp the significance of the Foster definition. But Mr. Foster elected to make the situation even clearer by quoting authority. He read to the congressional committee from page 34 of the Communist International program this explicit threat of extinction to all who support democracy, which the Communists habitually call capitalism.

My reading on this subject has not been as extensive as I should like because of the fact that the Senate has been in session such long hours that it is impossible for us to do much work in the quietude of our homes or our offices, but I have found that the statement made in this report filed by Mr. William Green, president of the American Federation of Labor, is true. He says that the Communists habitually call those who support democracy capitalists, and refer to democracy as capitalism. In other words, they seek to appeal to the masses and to those who are unthinking, to catch the unwary and the unwitting by setting up some imaginary and very oppressive boss in this land, the freest land under the shining light of God's sun.

I continue reading:

The conquest of power by the proletariat does not mean the peaceful capturing of ready-made bourgeois State machinery by means of a parliamentary majority.

The statement I just read was a quotation from Mr. Foster's remarks.

The bourgeoisie resorts to every means of violence and terror to safeguard and strengthen its predatory property and political domination. Like the feudal nobility of the past, the bourgeoisie cannot abandon its historical position to the new class without a desperate and frantic struggle; hence the violence of the bourgeoisie can only be suppressed by the stern violence of the proletariat.

That is the end of the quotation from Mr. Foster's testimony before the congressional committee.

Then follows the statement of Mr. Green, representing the American Federation of Labor:

Translating the passage read by Foster, we observe that since those people that have and believe in democracy will fight to defend their freedom and their democracy—

And, Mr. President, the cornerstone of all our freedom and all our democracy is the preservation of the police power and the sovereignty of the several States—

just as they fought heroically to achieve it, they must be exterminated by the terrorism of red hosts. Because they defend their homes, they must be slaughtered.

That, Mr. President, would be the result of encouraging communism in this country, as discovered by the American Federation of Labor in their survey of the situation. It is made plain that, if eventually they triumph, the supporters of this Communist philosophy, which is a sort of an inverted absolute dictatorship, will slaughter those who defend their homes. I resume the reading.

That is the program for communism, not in Russia, nor in China, but in the United States * * * in Manhattan, in old Brooklyn, in Boston, where the famous tea party inspired patriots and still inspires them; in Chicago, in Fort Worth, in Indianapolis, in Oshkosh, Redwing, and Cheyenne.

That is the program toward the fulfillment of which every organized Communist in America looks, as once the steel-helmeted soldiers of Das Vaterland looked toward Der Tag. To gain as much light as possible, let us quote from the Foster testimony a few more illuminating sentences.

This is a quotation from Foster's testimony:

The workers of this country and the workers of every country have only one flag and that is the red flag.

Let me say to my friend from North Carolina [Mr. REYNOLDS] that the red color is very significant when we consider that enough blood has been spilled by this regime to dye red all the cloth that has been made since the beginning of time.

Mr. REYNOLDS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. DAVIS in the chair). Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. RUSSELL. I yield only for a question.

Mr. REYNOLDS. Does the Senator understand that the Communists have their headquarters in the Western Hemisphere at Veracruz, Mexico?

Mr. RUSSELL. Mr. President, I always hesitate to speak on any subject in the presence of an expert or one who is familiar with all phases of the subject. I heard the Senator from North Carolina, during the course of his remarks the other day, if I recall, on the question of national defense, which is a very important question at this time and one that is large in the public eye due to the interest of the President of the United States in seeing that America is properly prepared to defend itself, state that organized communism on this hemisphere had its nerve center in the city of Veracruz, Mexico. I am confident that the Senator from North Carolina knew whereof he spoke when he made that statement.

Mr. REYNOLDS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from North Carolina?

Mr. RUSSELL. I yield for a question.

Mr. REYNOLDS. Has the Senator at any time seen copies of the Communist International?

Mr. RUSSELL. I have seen copies of it. As I understand, it is some kind of a periodical. I do not know that I have seen the issue which the Senator holds in his hand, but I have seen copies of it, and I hope before this bill shall finally be disposed of or laid aside the Senator from North Carolina will take up the thread of this argument and elaborate on it, as he is able to do by virtue of his long study of the subject, so as to show the people of the United States the great menace in the form of communism that threatens us and even now is gnawing at the vitals of our democracy. The Senator from North Carolina, I am sure, would render a distinct public service if he were to address himself for several hours to that subject.

I continue reading the quotation of the testimony of this man Foster, as found in the report of the American Federation of Labor:

The workers, the revolutionary workers, in all capitalist countries are an oppressed class who are held in subjection by their respective capitalist governments, and their attitude toward these governments is the abolition of these governments and the establishment of soviet governments. * * * I stated very clearly the red flag of the revolutionary class and we are part of the revolutionary class. * * * And all capitalist flags are flags of the capitalist class and we owe no allegiance to them.

I will now read a statement that comes from the master strategist of Communists in Moscow—Stalin—and this report says that "communism in this country is the pet child of Stalin, who is the dictator of Russian Soviet today:

I consider the Communist Party of the United States one of the Communist parties to which history has given decisive tasks from the point of view of the world revolution movement. The revolutionary crisis has not yet reached the United States, but we already have knowledge of numerous facts which suggest that it is approaching.

It is necessary that the American Communist Party should be capable of meeting the movement of crisis fully equipped to take the direction of future class wars in the United States. You must prepare for that, comrades, with all your strength and by every means; you must constantly improve and bolshevize the American Communist Party. You must forge real revolutionary cadres and leaders of the proletariat will be capable of leading the millions of American workers toward the revolutionary class war.

O Mr. President, here in a land that provides the machinery for the majority of the people every 2 years fully to express themselves and establish the form of government they choose by the exercise of the ballot, a land that is more blessed with liberties which oftentimes we do not consider because they have become commonplace, we find even here men who are not satisfied to go to the ballot box and peacefully, by the method devised by the framers of the Constitution, endeavor to establish a new form of government, but they demand revolutionary class war, and must come into power, if ever, with their hands dripping with the blood of the innocent. The framers of this Government when they established it provided means whereby a majority of the people of the country could have practically any form of government they desired. The Communists, however, are not willing to accept that. Even if they were to come into power through the method evolved and laid down by the Constitution, namely, the exercise of the franchise, they would not be content until they had waged a bloody class war that would wipe out the lives of thousands; and I have been showing by documentary proof that the pending bill is the first step in a program which is designed to establish in the South a soviet Negro republic, which would result in the "liquidation," or death, of any man who ever voted down there and the expropriation and confiscation of his land without one dime of compensation to his estate.

The report next refers to the significance of this speech of Stalin.

Not until January 30, more than 6 months after its delivery, was that speech made known to any save those who heard it.

At the same time there was read a detailed report, with reference to work in the United States. The occasion was the tenth session of the executive committee of the Communist International and the author of the report was Moltov, member of the presidium of that International.

Let us quote.

And here the report is quoted.

"The comintern has given particular attention to the situation in the Communist Party of the United States."

Here we are having the question of the Communist Party in the United States considered in Moscow, and doubtless that report showed that they were prepared to start a movement for the passage of bills such as I have indicated, to be led by the pending piece of legislation, the so-called but misnamed antilynching bill, which is No. 1 on the Communist agenda. Doubtless that report was read in Moscow.

A special delegation of the executive committee of the comintern was sent to the last congress of this party (Workers Party, United States). Afterward, for several weeks, there sat at Moscow a commission of the presidium of the executive committee of the Com-

munist International which especially studied the situation in the Communist Party of the United States.

Mr. President, who knows but that the pamphlets which I have read here, and which I shall continue to read for a brief period, were directly inspired by this meeting which was held in Moscow, giving attention to the direction of the affairs of the Communist Party in the United States?

The presidium of the executive committee of the Communist Party radically renewed the direction of the American Communist Party and created within it the conditions of a real Bolshevik development of the party and a reinforcement of its authority among the working masses.

That is the end of the quotation from that report, which bolsters the statement made that the Communist Party in America was the "pet child" of Stalin and the Communist Government of Russia; that they were giving special directions to Communists in the United States, trying to overthrow our Government and bathe this land with blood, in order that they might come into possession of all the great heritage of the American people, and incidentally, while they were about it, establish a Negro soviet republic in the South as a separate part of the Government.

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. DAVIS in the chair). Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. RUSSELL. I yield for a question, Mr. President.

Mr. OVERTON. Does it not occur to the Senator from Georgia that before this Communist Negro movement will prevail in the South it is not at all improbable that it will prevail in some of the strongholds of the North, and that we shall, for instance, see seated in the Senate Senators from different Northern States who will represent this Negro Communist movement? We may, for instance, see a Negro Communist here representing the State of Pennsylvania before we shall see one here representing the State of Georgia.

Mr. RUSSELL. I, of course, agree with the inference which arises from the question submitted by the Senator from Louisiana. I think it is very likely that there will be Communists here from other sections of the country before they are here from the South, whether they be white or black. I say it is a tribute to the Negro people of the South that the wave of propaganda which I have been reading here, showing what the Communist Party is attempting to do, has fallen on deaf ears; and the fact that it has done so gives the lie to all these base and vile charges as to the way in which the Negro is treated in the South.

No, Mr. President; it will be a long time before communism gains any foothold in the South. There live people who believe in the American institutions of government. In my own State less than seven-tenths of 1 percent of the population are foreign born. They believe in the American system. They believe that through the machinery provided by the Constitution they can secure the redress of any just grievances; and it will be a long time before this movement, inspired by the Communist Party, will ever achieve any success. I know it will be a long time, Mr. President, because the pending bill is the first bill on the Communist program, and it will be a long time before the pending bill is ever voted on in the Senate of the United States.

Mr. OVERTON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. RUSSELL. I yield for a question.

Mr. OVERTON. May I suggest to the Senator that what I was endeavoring to bring out is that the proponents of the pending bill are perhaps more in danger than they realize from the movement which the Senator from Georgia has so clearly and so eloquently pointed out and described during his address to the Senate; that they are much more in danger than is the South from this movement at the present time, and that they will wake up to the realization of that fact before very long?

Mr. RUSSELL. Undoubtedly, Mr. President. I have books here which will doubtless be read at some later period in this debate—I shall not read them in the course of my remarks today, but perhaps on another occasion, in discussing some amendment to the pending bill, I shall do so—which will show that the Communists had achieved much more success in appealing to the devotees of Father Divine in his "Harlem heaven" than they have in appealing to the members of the colored race in the South. There is no question but that the Senator from Louisiana is right, and it is tragic that Senators who in their own States are threatened with communism, much more so than any State of the South could be, will not stay on the floor of the Senate and hear this exposé of some of the forces which are back of the pending bill, which are seeking to overthrow our form of government, in order that they may be on their guard, and withdraw the bill before it is too late, before their own States are taken over by the Communists, and they have a bloody purge there, perhaps, of all those who have ever taken any part in the Government or in the election of any officials, as it is proposed to do in the South.

Mr. President, this report of the American Federation of Labor goes on to show that while, as it states, the Communist Party in the United States is the "pet child" of the Moscow Government and of Stalin, this effort to propagandize and seize the existing governments is not confined to the United States, nor to Russia, nor to any one country, but this report of the American Federation of Labor shows that it is a world revolutionary organization. I shall read further from that report.

Communism is not a sect, it is not a local political party, nor a national political party. It is a world revolutionary organization, united on one plan, knit around one philosophy, headed toward a single goal.

When the Communists say revolution they mean precisely that and nothing else. They do not mean a national election, such as tore the American Government away from the Republican Party and gave it to the Democratic Party when you, Mr. Roosevelt, succeeded Mr. Hoover. Nor do they even, as we have seen, mean such an election as might tear the National Government away from you, Mr. President, and give it to Mr. Foster. Mr. Foster would not, under communism, have any use for such a government as he would inherit. He would have immediately to resign and win control all over again by force of arms.

When the Communists say revolution they mean slaughter, destruction, terrorism, utter demolition, and the creation of a Communist dictatorship upon the ruins of democracy. To win the United States through revolution would be to add the territory, the resources, and the remaining population of the United States to the realm that now suffers under the dictatorship of which Mr. Joseph Stalin is the head. That there is no immediate prospect of such an eventuality does not change the intention of the Communists nor swerve them from their determination to achieve that object if they can find the way and the means for the doing of it. To have potential assassination in our midst is not consoling to say the least, quite apart from the Communist-instigated strikes under which our wage earners and their families have suffered privation and untold misery.

Naturally, Mr. President, Mr. William Green, the president of the American Federation of Labor—one who has devoted his life to the cause of labor—is concerned over the Communist-inspired strikes to which he refers, which have caused wage earners and their families to suffer untold misery.

I resume reading:

And the fact that communism cannot achieve a successful revolution in the United States by no means indicates that it may not produce an abortive one. There is no reason whatever to assume that at what they consider an opportune moment they will not try.

There is, on the contrary, every reason to assume that they will try. And they will try, if and when they do, around or under cover of some event which deeply stirs the people.

To what extent the Communists may be materially prepared for a thrust in violence, the non-Communist cannot know and does not know.

Revolution, or the attempt thereof, in the United States, on the part of international communism, is distinctly a thing that can happen. It is on the program. It is the end-all and the cure-all as envisioned by the Communist Party in America, in harmony with and in unison with the Communist Party of Russia and its intimately related copartner, the Communist International.

When the Communist International commands "Forward march" the Communists of all lands execute the command. If and when the Communist International, in response to the Russian Com-

munist dictatorship, believing that the hour has struck, sends to American communism the command "Fire!" the guns of revolution will blaze upon our streets and the issue then will be settled in the blood of our people.

Mr. President, that is a part of this interesting survey made by the American Federation of Labor, and its analysis of communism as it affects the governmental structure of the United States. I shall not at this time read any further from this book; but perhaps at some later time in the debate, in explaining some other feature of this measure or of this Communist program, I shall find it necessary to resort to the reading of all of it.

Mr. President, as showing the promises which have been held out to the Negroes of the South, which heretofore have fallen on deaf ears, I have here a pamphlet entitled "The Negroes in a Soviet America."

One of the coauthors of this pamphlet was the Negro who was candidate for Vice President on the Communist ticket in the last national election. It is a phase of the propaganda being disseminated throughout the entire country, holding out these promises of a Utopia where none shall work hard, but all shall live well, which it is said will eventuate when and if this Negro soviet republic is established.

I have pointed out that the Communist program embraces the three bills which it has been repeatedly charged on the floor of the Senate will follow in the wake of the pending measure. I repeat, first is the bill to take charge of the election machinery of the 48 States; second, the so-called civil-rights bill, which would do away with any law providing for segregation on trains, in schools, in hospitals, and in any public place where any service is offered for hire or free; lastly, the one which would strike down the laws preventing the intermarriage of whites and blacks. All of that is presented as a part of the Communist program.

In our opposition to the pending bill it has been stated that those bills will follow the pending measure as a part of the Communist program, the pending bill being No. 1, and no person supporting the bill has as yet taken the floor in his own right to state that those bills would not follow, or that any persons who would vote for the pending bill would not vote for the entire program. The next step is the creation of the Negro soviet republic in America, promised in this piece of propaganda which is being disseminated.

It is probably unnecessary to read any further statement showing that that is all part of the Communist program, but this is so clearly in line with the program I am fighting I shall read a bit more from the Communist propaganda:

We say that Negroes must have this right to vote as well as the other rights of citizenship. We must fight for these rights. We say that the workers and the oppressed masses should use the ballot * * * to elect their own representatives and create their own organizations. * * *

But at the same time we emphasize that capitalism cannot be done away with by the ballot.

As I have said, Mr. President, the Communists, even if they had absolute control of this Government, say that it is necessary to use the bullet as well as the ballot to do away with what they call capitalism here, and as the report of the American Federation of Labor says, any man who believes in a democracy is a capitalist in the eyes of the Communists, and that means that even if the Communists captured the country in an election, they would resort to the bullet after their success by the ballot, wiping out in blood all those who believed in a democratic form of government in the United States. In other words, we would be "liquidated."

We believe in using elections and our representatives in elected bodies to rally the people against capitalism. * * * But anyone who tells you to depend upon the ballot and civil rights for your defense is betraying you.

Only through blood can they have a good, clean, pure soviet government, only by shedding blood of thousands of innocent people, whose sole crime against this new society they would create has been that they believed in a democracy, or thought a democratic government was a pretty good kind of government under which to live and appreciated the liberties which we possess, just as they say that they cannot have a soviet

here merely because they have absolute charge of all the machinery of government in the United States, but must use the bullet and blood purge. Now, in this pamphlet, which is the promise of a Utopia for Negroes who will join the Soviet Party and establish this soviet Negro republic, and they make this statement:

Seventy-five years ago the North went to war in order to destroy the power of the slave owners.

This book does at least say that the North had something to do with freeing the Negroes. The one I read a while ago said that the Negro fought for his own freedom and finally gained it. As I said, I had been under the misapprehension for some years that General Grant, General Sherman, and a man by the name of Abraham Lincoln had something to do with it, but these Communists in the country say "no"; that the Negro did it.

That, too, was a revolution. But it was not finished. Our task is to finish it.

But the revolution will not stop with the seizure of the land. That will just be the beginning of a complete, really basic change in the homeland of lynch terror. For just consider where this land revolution will take place; precisely in the plantation country, where the Negroes are today the most oppressed section of the population and where they form the majority of the population. Let us imagine such a revolution taking place in the Mississippi River Delta. Here there are huge plantations. In some counties the Negroes are as high as 90 and 95 percent of the total population; throughout this area they are not less than 60 percent. With the power of the plantation owners destroyed a new kind of government will be set up by the farmers and the workers in this territory.

For the first time Negroes and oppressed poor whites will really enjoy democracy. The Negroes will play the leading role both in the land revolution and in the new revolutionary governments.

The same will occur throughout the plantation area—from south-eastern Virginia, down through the Carolinas and central Georgia, across Alabama, Mississippi, and Louisiana, reaching even into Arkansas and parts of Tennessee and Texas. Now will be the opportunity to really establish the basis of Negro freedom. This land . . . can then be made into a free land. It can be proclaimed as a new country.

I do not desire to read all of this, Mr. President; I merely wish to show the nature and the extent of the various publications; so I pass on:

The old South will no longer remain. The Negroes will come into their own.

The real test of freedom for the Negro people in the Black Belt lies in their right to self-determination. Unless they can choose freely for themselves what the relationship of this new government will be to the United States as a whole, they will not be free.

Here we have the idea advanced that if, after they have established the soviet Negro republic in the South, they desire to secede from the Union, they will be told to go in peace.

Only one thing can do away with the basis for the existence of capitalism: The expropriation of the capitalists.

I turn now to page 31 of the same periodical. There is a good deal of speculation as to what will happen in the South when and if this Negro soviet republic is established, and as to whether or not it will be identified with the Government of the rest of the United States.

First. The revolution in the plantation country might mature sooner than the proletarian revolution in the country as a whole.

Then it proceeds to say that if they can have the revolution in the South before it occurs in the rest of the country, they will use that as a basis of operation to overthrow the Government in the remaining portions of the United States. Of course, as the Senator from Louisiana has pointed out, there will be Communist Parties in power in other sections of the United States years before communism will ever successfully rear its ugly head in any of the Southern States. But, as showing the program they have in mind, of which the pending bill is the first part, this pamphlet proceeds to state that the glorious reconstruction period is to symbolize the new republic they are to have in the South, and that great and glorious reconstruction era in the South, which nearly all the people—North and South—now refer to as the "tragic era," will be the same kind of government they will have in this soviet Negro republic.

The revolutionary way has not been strange to the Negro people in the United States. Revolutionary struggles have glorified their

history. Have we forgotten the courageous struggles of the African people for life and liberty against the slave merchants of Europe and the American Colonies? Even the few incidents which have been preserved in written history testify to the determined struggle of the Negroes . . . from the very beginning. The Negro people can find inspiration in the revolutionary attempts of Gabriel, Denmark Vesey, Nat Turner, and untold thousands of fighters in the numerous slave revolts in the United States and in the underground railroad. The Civil War itself was a revolution in which the Negroes—those who were yesterday chattel slaves—fought for land and liberty.

That glorious Civil War decade when the embattled Negro fought with gun in hand against the bloodhounds of reaction for the rights of citizenship and of land is today a heroic, revolutionary, and living example firing the aspirations of the Negro people for freedom.

And in other parts of the world: The glorious tradition of the Haitian revolution—

Yes, Mr. President, the Haitian revolution is used here as an example of a glorious tradition. At the time of the Haitian revolution there were in Haiti about 10 blacks for each white. When the revolution occurred the blacks immediately massacred all the whites, and burned their property and their buildings. In my own State there are some families living in the coastal area to whom this Haitian revolution is a terrible tradition. It was really responsible for their settling in my State. Three or four of those French families managed to get away from their homes, and left Haiti in an open boat. They escaped from being massacred by Toussaint L'Ouverture and his followers. Those families escaping from Haiti in a small, open boat, carrying with them little food and water, managed to come to the shores of my State. They escaped from the massacres which occurred in this glorious revolution referred to in this pamphlet. They had no chart or compass to direct the course of their boat. It drifted around until some of their children had perished for want of water and food. Finally, some of the remaining survivors were washed ashore on the coast of my State, and they live there today. Those families have some reason to remember the Haitian revolution, but to them it is not so glorious a thing as it is pictured in this pamphlet.

of the Maroons of Jamaica—

That is another revolution with which I am not so familiar—

of the victorious rebels of Dutch Guinea, Scottsboro demonstrations in Cuba and Africa.

I will have to say that I am not very much impressed by Scottsboro demonstrations in Cuba and Africa as being successful revolutions. However, they are cited in this pamphlet along with other glorious revolutions.

Mr. President, I shall hasten on in order not to tire the Senate or to tax its patience. I will skip several pages and go to page 37 of this pamphlet. Here are some of the things held out by the Communist Party. As I stated, all these pamphlets put the pending bill first. Here are some of the other things the Communist Party hold out to the Negroes to bring about this horrible condition they relate here:

All this must be kept in mind when considering how the Negroes will fare in a Soviet America.

In the first place, all hindrances, barriers, discriminations will be removed. All the opportunities created by a Soviet America will be shared by the Negroes as well as the whites. Industry, agriculture, public and social service will be open to them on the same basis as to all other citizens of the Soviet Republic.

We assume here that the new Negro republic created as a result of the revolution for land and freedom is a Soviet republic and that this republic has settled the question of self-determination in favor of federation with the Soviet United States. Under such conditions, we will try to picture in its main features the transformation which can and will take place in this territory.

The actual extent of this new republic would in all probability be approximately the present area in which the Negroes constitute the majority of the population. In other words it would be approximately the present plantation area. It would be certain to include such cities as Richmond and Norfolk, Va.; Columbia and Charleston, S. C.; Atlanta, Augusta, Savannah, and Macon, Ga.; Montgomery, Ala.; New Orleans and Shreveport, La.; Little Rock, Ark.; and Memphis, Tenn. In the actual determination of the boundaries of the new republic, other industrial cities may be included.

Later on I may show what they are going to do with Birmingham to make it a real city when they take it over.

The actual settlement of the question of boundaries will depend largely on the steps taken to assure well-rounded economic development to the Negro republic. This question we will discuss shortly.

And then they go on to discuss it in the pamphlet. I skip a certain portion and continue to read:

As the gains of the revolution are consolidated these soviet territories will unite to form the new soviet Negro republic. The central Soviet body of the republic will be composed of the representatives of the same interests which are to be found in the local Soviets.

It must also be borne in mind that the present ruling class of the South is composed entirely of whites. The revolution will disfranchise and expropriate the present exploiting and ruling class. This, of course, will be done on the basis of class distinction and not race distinction. Nevertheless, it will result in cutting down the number of enfranchised white citizens.

Mr. President, we have heard that in one soviet republic they would cut down the number of enfranchised citizens by exactly the same number that voted against anything that Mr. Stalin proposed. In other words if there should be 400,000 Russians who were reckless enough to vote against one of Mr. Stalin's proposals, then within a few days the enfranchised citizens of that republic would be reduced by 400,000 voters, because they would be liquidated, they would be done away with in a blood purge, or whatever a mass murder of that many voters would be called.

I shall read only one more brief statement from this pamphlet in order to show the "Utopia" which the Communist Party presumes to dangle before the eyes of these people in order to enlist them in the Communist Party.

Among the first actions of a soviet government would be a decree recognizing the confiscation of the large landowners where this has taken place—

After they have confiscated them they are going to authorize the confiscation and recognize it—

or authorizing such confiscation if it has not yet taken place, converting all privately owned land into the property of the whole people without compensation, and the confiscation of all livestock and implements of the large landowners for the use of the people.

Thus would the destruction of the plantation system in the South be authorized according to revolutionary law.

That is the law, Mr. President, that they would substitute for the present processes of orderly government in the South, by which they would authorize the confiscation and division of all of the estate or all of the lands of the South without any compensation.

The land would now be the property of the people as a whole. Local soviets or land committees, composed of the poor farmers and the farm workers, could now determine the allotment of land to the former tenants and sharecroppers. While the land would remain the property of the Republic, it would be divided up among the poor farmers whose right to till their farms would be recognized.

All previous debts and obligations would be canceled. Financing, the banks and credit would now be in the hands of the soviet state. With the removal of all restricting forces, such as the old credit institution, and the plantation system, a complete transformation of agriculture in the South would now be possible.

I notice in this pamphlet, Mr. President, that they hold out as another one of the inducements to join the Communist Party, and to embrace this whole movement, of which the pending bill is the spearhead, that—

President Roosevelt's present estate in Georgia and the other resorts of the millionaires, can be turned into sanatoria, hospitals, clubs, etc. Palm Beach can become the haven of tired workers and toiling farmers. The pine woods can also be used as health-giving resorts. All the best spots and resorts of the present ruling class can become rest homes for the masses.

That among many other things is embraced within the promises which are made with respect to this "Utopia" which is proposed to be set up. It is proposed to encourage that movement by continuing to press the pending bill, and by

submitting the question of cutting off of debate. That demand is coming from the same sources that are spreading such stuff as this around over the United States.

I wish now to address myself to an explanation of another pamphlet bearing on this question. I refer to a pamphlet which is published by an organization that lauds the soviet form of government to the skies, an organization which is mentioned in the report of the American Federation of Labor as being one of the interlocking organizations of the Communist Party in the United States. That organization is the so-called League of Struggle for Negro Rights which is practically the same thing as the Negro Congress, I understand.

The pamphlet to which I refer is entitled "Equality, Land, and Freedom." It purports, according to its own language, to contain a program for Negro liberation. The League of Struggle for Negro Rights, as I have stated, grew out of what was known as The National Negro Congress.

I am not opposed to legal meetings of Negroes or of any other race in an effort to seek ways and means of improving their condition by means within the Constitution, and to bring forward measures which will be of benefit to all people who are similarly situated throughout the United States. But I do not agree that an organization which advocates measures of the kind that I shall presently reveal should be yielded to when they publish in the Daily Worker of the Communist Party, in its issue of Monday, a statement to the effect that they are coming down to Washington to demand cloture, and pointing out how they are going to bring in other groups from each section, day after day, to "put the heat" on the Senate so as to compel it to vote to gag those of us who are opposed to the bill.

Following up that movement as predicted by the Daily Worker, we now have a cloture petition before us. One of the organizations which brought it about was the League of Struggle for Negro Rights, which has a program which I shall now read to the Members of the Senate. Lest I tax the patience of the Senate and tire some Members I shall not read all of this pamphlet, but merely extracts from it in order that Senators may realize what is going on in the United States.

I read from page 7:

We proclaim before the whole world that the American Negroes are a nation—a nation striving to manhood but whose growth is violently retarded and which is viciously oppressed by American imperialism.

Bear in mind that the American Federation of Labor in its report says that these forces of communism brand any man who believes in democracy as either a capitalist or an imperialist.

The program here presented outlines the only course of action which guarantees the development of the American Negroes to full nationhood, which will elevate them to that rightful place of equality before all and subservience before none.

Land, freedom, and equality—the watchword of the ex-slave during the period of civil war and reconstruction—still remains the watchword of the embattled Negroes today. The so-called emancipation of the slaves did not bring freedom, because without the means of livelihood, without land, there could be no freedom.

The ex-slaves fought heroically during the Civil War and the reconstruction period for the land, for citizenship, for equal rights. The northern Republicans took the Negroes as allies against the slave owners, and supported their demands only because they needed the help of the Negro people in order to defeat the slavery decisively. When the domination of the South had been assured to the northern capitalists they cast their Negro ally aside and deserted him to the tender mercies of the K. K. K. and his former masters. The proclamation of emancipation—

Mr. President, I think I shall pass over that.

I come now to the demands of this organization. The demands are stated in larger type than the remainder of the pamphlet.

The League of Struggle for Negro Rights therefore demands the confiscation without compensation of the land of the big landlords and capitalists in the South and its distribution among the Negroes and white small farmers and sharecroppers.

Without compensation, Mr. President! That is the same organization that the Daily Worker said was coming down

here on Monday to invoke cloture in the Senate and gag the Senate to prevent any debate. That is the same organization that had arranged this campaign of all these various groups converging in Washington on Monday and Tuesday to force cloture. We had a cloture petition presented at the clerk's desk at 10:15 on Tuesday night, the day when it was said these delegations would be here to force the Senate to cut off all debate and bring this bill to a vote.

Continuing the reading:

The League of Struggle for Negro Rights stands for the complete right of self-determination for the Negro people in the Black Belt, with full rights for the toiling white minority.

The pamphlet goes on to show how they are going to confiscate all the land in 350 counties in the South, without compensation, and turn it over to those to whom they refer as the oppressed.

I find this significant statement, bearing out the contention of the American Federation of Labor in its report that the League of Struggle for Negro Rights is a branch of the Communist Party. It pays high tribute to the soviet form of government:

The Soviet Union offers the shining example of the correctness of this program.

That is, the program of violence that they advocate.

There nations and races who, under the old czarist regime, suffered oppression equal to that of the Negroes of the United States, are now, under the new soviet government of the workers and farmers, enjoying complete freedom, equality, and the right of self-determination; there the workers and farmers of the varied nationalities have united in fraternal and harmonious union in the work of building up a Socialist society.

I ask, Mr. President, to have printed in the RECORD as a part of my remarks the matter found on pages 18 to 26, inclusive, of this pamphlet, being the immediate program of the League of Struggle for Equal Rights, the organization to which I have heretofore referred.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

IMMEDIATE PROGRAM OF THE LEAGUE OF STRUGGLE FOR NEGRO RIGHTS—THE STRUGGLE FOR EQUAL RIGHTS (COMPLETE ECONOMIC, SOCIAL, AND POLITICAL EQUALITY)

To obtain equal rights we must conduct a continuous fight against all forms of oppression suffered by the Negro people.

1. Against Jim-Crowism and discrimination in all forms and in every field, on jobs, in professions, public places, trains, boats, busses, all institutions, places of residence, etc.
2. A relentless fight to wipe out all forms of forced labor, chain gangs, forced work on roads and public works for payment of taxes, and all other hang-overs from chattel slavery.
3. A constant daily fight for ordinary human and civil rights for Negroes in all parts of the country, for the actual enforcement of their rights as human beings.
4. A determined fight against the whole system of social segregation in which Negroes are set apart from the rest of the population as a despised and outlawed people.
5. A ruthless combating of all ideas of "white supremacy" and "superiority" fostered by the white rulers to justify their enslavement of the Negro people.

To obtain these rights, the League of Struggle for Negro Rights calls upon the Negro people and white toilers to organize, and fight for the following vital and pressing needs of the Negro masses:

I. STRUGGLE AGAINST LYNCHING AND ALL FORMS OF TERROR, VIOLENCE, AND ABUSE AGAINST NEGROES WHETHER BY OFFICERS OF THE LAW, ORGANIZED MURDER GANGS, OR ANY INDIVIDUAL

1. For the enforcement of the death penalty for lynchers.
2. For the outlawing and disbanding of the Ku Klux Klan and all other anti-Negro, terroristic organizations.
3. For the formation of self-defense organizations of Negroes and white toilers for open defense and resistance to lynching and terror.
4. For the enforcement of the right of Negroes, and their white supporters, to keep and bear arms in self-defense.
5. For immediate unconditional release of all victims of white ruling class frame-up.

II. STRUGGLE FOR THE UNQUALIFIED RIGHT TO VOTE, TO ELECT OFFICIALS, TO HOLD PUBLIC OFFICE, AND TO SIT ON ALL JURIES

1. For the immediate abolition of all restrictions of these rights, whether legalized by "grandfather" clause, poll or property tax, literacy test, exclusion from primaries, or by direct or indirect intimidation or pressure.
2. Redistricting for the abolishment of artificial political boundaries established to split up Negro territories and so nullify their majority voting power.

III. ACTIVE SUPPORT TO THE STRUGGLES OF THE NEGRO WORKERS FOR IMMEDIATE IMPROVEMENT OF THEIR LIVING CONDITIONS

1. For complete equality of Negro wage workers with white workers in wages, hours of labor, and working conditions.
2. For the actual enforcement of the right of Negroes to work at any job, in all trades, industries, and professions.
3. For the admittance of Negroes to all trade unions on equal basis with white workers.
4. For the abolition of discrimination against Negroes in unemployment relief.
5. For unemployment and social insurance at the expense of Government and employers, without discrimination against Negroes.

IV. FULL AND ACTIVE SUPPORT TO THE STRUGGLES OF THE NEGRO SMALL FARMERS, RENTERS, AND SHARECROPPERS

1. For the abolition of all forms of debt slavery, peonage, landlord supervision of crops, overseeing, and the system of plantation stores.
2. For the right to sell crops independently, and against forced pooling of cotton and other crops.
3. For the abolition of oppressive taxes and rents and the cancellation of all debts and mortgages of the small farmers.
4. For mass resistance to eviction from land and against the seizure of tools and livestock for debts.
5. For immediate cash relief for the small farmers and tenants at the expense of the Government, landlords, and capitalists.

V. HOUSING AND LIVING CONDITIONS

To insure immediate relief of the Negro masses from frightful conditions of overcrowding, excessive rents, insanitary living conditions with resulting high sickness and death rates:

1. Abolition of residential segregation and the unrestricted freedom of Negroes to live wherever they choose.
2. For the enactment of Federal legislation to make restrictive clauses in property deeds which limit sale or rental to a certain racial or national group illegal. Mass disregard of such restrictive clauses.
3. For the abolition of the special high rentals in neighborhoods wholly or largely occupied by Negroes.
4. Mass resistance against evictions.
5. For mass boycott of proprietors who raise rents upon reletting from white to Negro tenants, or who neglect the upkeep and maintenance of sanitary conditions of their property after renting to Negroes.
6. For adequate facilities in neighborhoods wholly or largely occupied by Negroes for health, recreation, and culture. (The establishment of medical clinics, hospitals, playgrounds, parks, gymnasiums, baths, social centers, schools, libraries, and places of amusement.)
7. For the tearing down of dilapidated and untenable houses, tenements, and shacks now inhabited by Negroes, and their replacement by modern sanitary apartments and houses at the expense of municipal, State, and Federal Governments.

VI. EDUCATION AND CULTURE

In order to improve the cultural conditions of the Negro masses, to forward their fight against cultural backwardness and illiteracy, for a free and unrestricted development:

1. For enforcement of free, universal, compulsory education for all Negro children of school age, and unrestricted opportunity for Negro young people to secure secondary and higher education of their own choosing.
2. For the abolition of all forms of discrimination and segregation in education, and for the right of Negroes to attend and use, any and all public and private schools, libraries, museums, and cultural centers in any part of the country, North, East, South, or West.
3. For mass boycott of institutions withholding these privileges from Negroes.
4. For mass protest against and boycott of business concerns, publications, radio broadcasts, theaters that use the Negro in caricature to degrade and defame.
5. For the building of modern primary and secondary schools in neighborhoods where Negroes reside, and in the rural districts of the South, with equal equipment, curricula, staff, and appropriations.
6. For the condemning of shacks and firetraps as school buildings and against overcrowding; part-time sessions, and bodily punishment.
7. For the adoption of textbooks and histories that render a true account of the Negro, especially his contribution to American life, and to discard those that foster the slave and white superiority psychology.
8. For the widest popularization of the revolutionary traditions of the Negro people of the United States, Africa, West Indies, South and Central America.

VII. NEGRO PROFESSIONALS, STUDENTS, ARTISTS, WRITERS, CLERKS, SMALL BUSINESS PEOPLE, NURSES, ETC.

1. Abolition of discrimination of Jim Crowism against Negro nurses, internes, doctors, and dentists; adequate representation on staffs of all public and private hospitals and clinics.
2. Abolition of all discrimination and Jim Crowism in the civil service. Immediate discontinuance of the Federal Government requirements that photographs accompany applications for clerical positions.

3. For equal opportunities for all Negro chemists, pharmacists, engineers, and skilled workers to organize in craft organizations and unions without discrimination or Jim Crowism.

4. For Negro artists and writers to produce works of culture without obeying dictates of art galleries and publishers. No discrimination in exhibitions and publications.

5. For the right to do business without intimidation or violence wherever they choose; abolition of discrimination against small business people in rent and credit.

VIII. NEGRO WOMEN AND CHILDREN

1. For complete social, economic, and legal equality for Negro women.

2. For the right of Negro women to all jobs at equal pay.

3. For the organization of domestic workers to fight against long hours of work and low wages, for an 8-hour day whether living on or off the job, and a minimum wage.

4. For the abolition of night work, against restriction of Negro women to dangerous and unhealthy jobs.

5. For unemployment and maternal insurance (with leave of absence from work with full wages 1 month before and after childbirth, with free medical care included).

6. For the repeal of all laws prohibiting intermarriage which legalize the fiction of Negro inferiority and render Negro women helpless and unprotected.

7. For the legalization of all offspring, with property rights.

IX. NEGRO YOUTH

1. Abolition of all discrimination, Jim Crowism against Negro youth.

2. Equal pay for equal work for Negro youth.

3. Limitation of hours of work on farms, in factories, in shops, etc.

4. Against night work and work at dangerous occupations for Negro youth under 21.

5. No forced labor in military training camps.

6. Vocational training for Negro youth between 14 and 16 with full pay and under trade supervision.

7. Abolition of compulsory military training in schools.

8. The right of Negro athletes to participate in all athletic games with white athletes, including rowing, swimming, intercollegiate basketball, football, major-league baseball, etc.; against Jim-Crow policies of the A. A. U. in swimming pools, etc.

X. NEGRO SOLDIERS (REGULAR ARMY, NATIONAL GUARD) AND SAILORS

1. Abolition of all Jim Crowism and discrimination of Negro service men in all branches of service—Army, Navy, Marines, etc. Complete equality with whites in these respective branches of service.

2. For the right of Negroes to serve in all branches of military service on an equal basis with whites—Artillery, Navy, Marines, etc.

3. Right to enter and receive training in all military institutions.

4. Against the disarming and disbanding of Negro Regular Army regiments and their use as service or labor units.

5. No discrimination in the National Guard; no use of National Guard against the workers and Negro masses in strikes, demonstrations, etc.

6. Abolition of discrimination or Jim Crowism against Negro veterans in the payment of bonus, compensation, and hospitalization.

7. Freedom of fraternization between Negro and white soldiers.

XI. EFFECTIVE LEGAL PROTECTION FOR NEGROES IN ALL FIELDS OF OCCUPATION AND IN ALL WALKS OF LIFE

1. Immediate repeal of all discriminatory laws.

2. The adoption by the United States Congress and the enforcement of the bill of civil rights for the Negro people presented by the League of Struggle for Negro Rights.

XII. FREEDOM OF SPEECH, PRESS, ASSEMBLY; THE RIGHT TO PETITION

1. The right to openly advocate and conduct propaganda everywhere for the above rights, in public meetings, press, and through all possible mediums.

2. The right of the Negro people to organize in the struggle for these rights.

Mr. RUSSELL. The League of Struggle for Negro Rights has brought forward a so-called civil-rights bill for the Negro people. This was presented, it is said, to the President and to the Congress of the United States. Inasmuch as it escaped my attention when it was presented to the Congress, I am fearful lest it might have escaped the attention of some other Members of the Senate; and I shall therefore read it for their information in order that they may know just what is embraced in this civil-rights bill for the Negro people which was presented to the President and to the Congress:

Whereas the 13,000,000 Negro people of the United States, and especially those who reside in the Black Belt of the South, where they constitute a majority of the population, are denied the rights of citizenship and equality, and are deprived of their right to vote, to serve on all juries, and to enjoy equal rights in courts of law, and are held on the land in peonage and debt slavery, and because of their lack of political rights are habitually framed-up, and are enslaved in penal servitude for trivial offenses or no offense

at all in the chain-gang system, and are otherwise subjected to intolerable discrimination and oppression—

Here we have the program of the Communist Party and the program to which the sponsors of this bill are lending aid and comfort, unwittingly or otherwise—

Therefore the following law is proposed:

1. In all States, Territories, or possessions of the United States and the District of Columbia no person shall be deprived of the right to vote or intimidated in an election or primary election or referendum by reason of color, nationality, race, or ancestry, nor for the nonpayment of any tax, nor on grounds of educational or property disqualification.

We can wipe out the rights of the States with a bill such as the bill before us, but the proposal which I have just read would be no more of a blow at the rights of the States than the bill under consideration, which seeks to take away the police power of the States, which is a guaranty of State sovereignty.

I read further:

2. No person shall be deprived of the right to serve on grand juries or petit juries or excluded from jury lists or panels for any of the above reasons nor by any device directly or indirectly to accomplish the same purpose.

3. No persons shall be excluded from any school or class maintained either by public or private funds, because of color, race, or nationality, nor by any device to accomplish the same purpose; nor shall there be any segregation or distinction made among students or among teachers of different color, race, or nationality, nor any difference or segregation in accommodations.

4. No teacher shall be excluded from a position as teacher in any school, public or private, by reason of color, nationality, or race, or for any reason, devised to prevent the holding of teaching positions by teachers of one color, race, or nationality in teaching pupils of another color, race, or nationality.

In other words, under this proposed law they would advocate and would allow Negro teachers in white schools. That is what they are asking for. The fifth item in this program is as follows.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Is the Senator still reading from the platform of the party that advocates the pending bill?

Mr. RUSSELL. No; the Senator from Texas stepped out of the Chamber for a moment. I am now reading from the program of the organization whose representatives came to Washington to urge that cloture be invoked and that the pending bill be rushed through under a gag. I read from the Daily Worker that this organization, the League of Struggle for Negro Rights, was sending a delegation on Monday and Tuesday to urge the enforcement of cloture in the Senate. This is the same organization, but I am reading a memorial that was presented, as they say, to the Congress as to the legislation which they think should be enacted.

Mr. CONNALLY. May I ask the Senator another question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Is it true, then, that this organization that is urging cloture on the pending bill is the same organization that is advocating whites and blacks in the same schools and advocating colored teachers for white children?

Mr. RUSSELL. The Senator from Texas is correct, only that is a very small portion of the program.

Mr. CONNALLY. May I ask the Senator whether or not it is probably true that if the Congress gives in on the pending measure and grants the first step in their program later on they will probably be here with a bill providing for the control by the Federal Government of marriage and divorce and providing that there shall be no discrimination on account of color or race in the matter of marriage and divorce?

Mr. RUSSELL. I was pointing out that this was the first of a series of doses which were to be administered to the Senate. This program is broken up into doses, and the pending bill is the first part of it. Of course, if it should go through, the same forces that put it through will put the other through. That is the reason why I said at the outset of my remarks, if the Senate voted cloture, so that we could

not talk against this bill, that I knew I could stay here as long as anyone else, and I would be one of twenty to call for the yeas and nays and at least raise my hand and request a vote on from ten to twenty thousand amendments to assure that this bill never should come to a vote in this body.

The fifth item is:

No person shall be denied accommodation or be separated or segregated in any train, ship, motor vehicle, airship, trolley car, or other public conveyance because of color, race, or nationality, and no person shall be denied admission or equal service nor shall anyone be segregated in any inn, hotel, restaurant, cafe, theater, music hall, or other place of public resort because of color, race, or nationality, whether the accommodations be equal or not.

In other words, even if the accommodations were identical or the same, if the races were not put together, the one responsible could be punished and sent to jail under the law proposed by this organization that is supporting the pending bill.

The sixth item reads:

No person shall be denied the right to own, possess, rent, occupy, or otherwise enjoy any apartment, home, room, or other living or business quarters because of color, race, or nationality; and any apartment or rooming house proprietor or manager in any community in which residents or travelers of various colors, races, or nationalities are to be found, shall be judged *prima facie* to be violating this law if it appears that persons of any given color, race, or nationality are not regularly served on an equal basis in any such institution maintained by him; and it shall be unlawful to create or maintain any restrictions of neighborhoods or houses for purposes of distinction between colors, races, or nationalities; and it shall be unlawful to require any person to pay a larger price or rental than is paid by persons of any other color, race, or nationality.

7. No person shall be denied employment because of color, race, or nationality, and it shall be a *prima facie* violation if any employer of 20 or more persons shall deny employment to persons of a given color, race, or nationality, or shall segregate such persons or give them inferior kinds of employment; and it shall be unlawful to make any distinction in working conditions or character of employment in the amount of wages or salaries paid, on the basis of color, race, or nationality.

8. No person shall be discriminated against in unemployment relief or social insurance or assistance in any emergency or calamity of nature, flood, hurricanes, economic crisis, or unemployment; nor shall there be any requirement of forced labor by reason or on account of color, race, or nationality.

9. No person shall be charged higher or additional fees, prices, or rates for any kind of insurance on account of nationality, race, or color.

10. No person shall be denied the right to receive instruction for, enter into, or pursue any profession, service, trade, or occupation; nor be discriminated against in the pursuit or practice of such activity because of color, race, or nationality.

I do not know whether or not it is in this program, but there is another pamphlet which I have, and which I will probably read later on, which indicates that that section is aimed to compel white people to employ colored professional men, such as lawyers and doctors.

11. No person shall be denied membership in any organization, whether social, political, economic, fraternal, insurance, religious, or cultural, or any trade union or any benefit association or other organization or any local, branch, or any subdivision thereof because of color, race, or nationality.

12. No person shall be deprived of the right of appointment to any office or position or the right to take any examination for any such office or position or denied permanent appointment because of color, race, or nationality.

13. No person shall be excluded from or discriminated against or segregated in the armed forces of the United States on land, at sea, or in the air, or in any military schools maintained for the training of officers or enlisted men for the several branches of service, nor shall any person be assigned to separate regiments, companies, or squads against his will because of race, nationality, and color.

Mr. President, it strikes me that it would be highly subversive of discipline in the Army to permit a man to select the squad in which he would serve. That would be the effect of that part of the program which would permit any colored soldier to say in what squad or in what regiment he would serve.

14. No person shall be denied treatment and accommodations or segregated in any hospital, clinic, or other institution for treatment of ailments by reason of color, race, or nationality, and it

shall be unlawful to make any distinction of nationality, race, or color in admitting any person, whether equal accommodations be furnished or not. Nor shall any discrimination be made against the inclusion on the staff of any such and employment in any institution of any person because of nationality, race, or color.

15. No person shall be forced to labor to pay a debt or obligation, or to remain on any job because of contract or agreement. It shall be unlawful for any private persons to employ convict labor or to have any control over convicts.

16. No person shall be deprived of the right to bear arms in self-defense or to keep such arms in his home or to use such arms by himself or in conjunction with others in defense of life by reason of nationality, color, or race.

17. Any person who aids or participates in a lynching or other act of violence directed against a person wholly or partly because of supposed "inferiority" of race, color, or nationality, or directed against a person because of alleged or suspected crimes associated in public tradition with supposed "inferiority" of race, nationality, or color shall be considered and adjudged guilty of a crime punishable by death.

18. Any person who shall violate any of the provisions of any of the sections of this title shall be guilty of a felony.

19. No State shall pass any law prohibiting any marriage because the parties thereto are of different races, and all laws making such marriages criminal or illegal are hereby declared null, void, and of no effect. All couples living together in relations of man and wife, but whose relations are considered illegal because of difference of color, race, or nationality, shall be deemed hereafter to be lawfully man and wife, and their children are legitimized and entitled to inherit their property heretofore acquired.

Those are the planks of this organization which is sponsoring so vigorously the pending bill.

Mr. President, I do not wish to become tedious in presenting this matter and read unnecessarily at length to the Senate. I have merely read from a few pamphlets of this type and character to substantiate my contention that the pending bill is the first step in the program of the Communist Party and that the other steps which are proposed would follow, and in order that the Members of the Senate and the people of the country at large may understand the very good and substantial reasons for the very vigorous opposition on the part of some of us who still believe that the American States have some place in our scheme of dual government. I have here a number of other pamphlets of the same type and character advocating the same general ideas and philosophy but I shall not read them at this time.

Now, Mr. President, I desire to address myself, rather briefly, to the question of the constitutionality of the pending bill. It has been asserted here, by eminent lawyers, that the bill is palpably unconstitutional, but it seems that when we come to deal with matters of this peculiar type, whether it be in connection with a parliamentary question raised on the floor or whether it be in the consideration of the proposed legislation itself, the Constitution has very little appeal to Members of the Senate. They will discuss the Constitution on general issues, but when a bill that is being propelled by high-powered propaganda, and under the promise of securing votes for those who favor it or of political retaliation against those who do not support it, the Constitution of the United States seems to mean very little in this body.

I would not presume, Mr. President, to go at any length into the question of the constitutionality of the pending bill. I stated, in response to a question propounded by the Senator from Texas this morning, that this bill undoubtedly was a clear violation, if not the elimination, of the police power of the several States. But it has been said here that if the fourteenth amendment to the Constitution means anything this bill is constitutional, because it is designed to protect a citizen in the enjoyment of a constitutional right, namely, the right to life and liberty and happiness unless deprived thereof by due process of law.

Of course, it is very apparent that if the Congress of the United States has the right to invade the States under a bill of this kind, create an action in tort against the subdivisions of government of the States, and punish officers of States because a crime of murder, in the peculiar form of lynching, may be committed, then the Congress of the United States has a right to invade the several States, punish the peace officers of the States, and assess damages against the subdivisions of the States for the commission of any kind of

crime, whether it be murder or rape or arson or any other felony or even a misdemeanor.

Mr. President, I feel that the fourteenth amendment of the Constitution cannot serve as a peg on which to hang this bill. But the authors of the bill, in their fear that the Supreme Court might think that it drifted in through the window from some foreign land, from Germany, or some other authoritarian state, took the unusual precaution—something I have never seen done before in legislation—of saying on the face of the bill, "We claim this bill to be constitutional under the fourteenth amendment," so that the Supreme Court would not be surprised when they saw it there and would not think that it came from some other country, because it was so completely without any constitutional warrant or authority.

Mr. President, the fourteenth amendment to the Constitution was never intended to operate as against the acts of individuals. It is directed solely at State action. That is where the authors and proponents of this bill have become confused. They have confused the acts of individuals with State action.

There is no question that under the fourteenth amendment the Federal Government, the Congress, or the courts have the power and the duty to strike down any State law which would deprive any person of life, liberty, or property without due process of law; but it was never designed and never contended, except in this very remarkable bill, that that power could be extended to apply to the actions of individuals within the several States and within the subdivisions of government of the several States.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. I desire to ask the Senator, because I am very greatly interested in what he is now discussing, if it is not true that when the fourteenth amendment was originally submitted by the Congress, it was aimed only at certain legislation in the various States which had been in the southern Confederacy—States which had enacted social legislation which made different provision with regard to colored persons and white persons—and that the fourteenth amendment was openly and avowedly aimed only at the nullification of those particular statutes by the State itself?

Mr. RUSSELL. Mr. President, if the authors of this proposal had not put this headline on it and described this bill as being presented in pursuance of the provisions of the fourteenth amendment, and if we could reach back into the pages of the past and present this bill to the authors of the fourteenth amendment and ask them under what provision of the Constitution this proposal is advanced, they would say, "We do not believe this proposal is being presented in consonance with any provision of the Constitution of the United States." No one of the authors of the fourteenth amendment to the Constitution ever contended, as I understand, or as I have ever been able to ascertain, that the fourteenth amendment delegated to the Congress any power to deal with individual action within the States. It was directed solely at State action.

Mr. CONNALLY. Mr. President, if the Senator will indulge me, I should like to ask him one more question.

Mr. RUSSELL. I shall be very glad to yield.

Mr. CONNALLY. In the light of the very interesting discussion by the Senator from Georgia of the purpose of the fourteenth amendment, I wish to suppose a hypothetical case.

Suppose the State of Missouri, let us say, through its legislature should pass a law providing that the offense of stealing chickens, for instance, if committed by a white man, should be punishable with a penitentiary sentence, but that in the case of a colored man it should be punishable only by a fine, let us say because of the natural inclination or greater urge in certain races than in other races to steal chickens. Would not that be a typical case of an invasion by the State of the fourteenth amendment? When a white man was charged with stealing chickens, and was threatened with being sent to the penitentiary, could he not consistently go to a Federal

court under legislation of Congress which authorizes an appeal from a State court to a Federal court when a Federal right is infringed, and say, "This statute of Missouri which puts a white man in the penitentiary for stealing a rooster only assesses a small fine on a colored man for stealing chickens, and therefore it is a violation of the equal rights of the white man under the fourteenth amendment"; and would not the Federal court strike down the statute of the State of Missouri?

Mr. RUSSELL. Undoubtedly.

Mr. CONNALLY. Is it not true that that is the kind of a situation for which the fourteenth amendment was designed? The other day a discussion went on here as to how Congress could enact "appropriate legislation." Is it not true that if either Missouri or Indiana should pass a statute providing that a colored man who stole a chicken should only be finable, whereas if a white man should steal a chicken he should be put in the penitentiary, Congress by legislation has provided that an individual citizen has a Federal remedy by appealing to a Federal court and having the enforcement of that statute stricken down? Is not that what the fourteenth amendment was intended to mean?

Mr. RUSSELL. I think the hypothetical case presented by the Senator from Texas, while it may be a little exaggerated, clearly illustrates legislation of the type the Congress had in mind.

Mr. President, I do not pose as a constitutional lawyer, but I think I do have a faint understanding of the meaning of the English language; and if there is anything in the fourteenth amendment which would give any validity to a measure of this kind, I am unable to see it. I am always very loath to discuss constitutional questions in this great body, of which a great many ex-judges are Members, as well as those who have occupied judicial positions and those who will occupy them in the future, and other profound students of constitutional law. Therefore I shall not discuss the constitutional phase of the matter at any length; but I have been impressed by a reading of a very interesting book, *A History of American Political Thought From the Civil War to the World War*, by Edward R. Lewis, published in 1937, in which he deals at some length with the history of these various amendments.

After a very fine analysis of their history and a very clear statement of the purpose of these amendments and the powers which are conferred by them, Mr. Lewis states that the result of his study and conclusion is that the fourteenth amendment was directed only at State action, and that under no conception could it be made to apply to the acts of individuals; to punish communities or others in order to regulate the acts of individuals.

I shall not read at any great length from this book. It is a tremendously interesting discussion of this subject, and I commend it to Senators who are interested in the subject. I am sure all of them will enjoy it; but I shall read from the book for some little time this afternoon. While I do not wish to tire the Members of the Senate or weary them with much reading, I do want them to hear this statement from Mr. Lewis, who evidently is a very able constitutional authority. In several pages he gives the background of the fourteenth amendment, and then he says:

We now have the background for a consideration of the decisions of the courts under the fourteenth amendment. We could take up the cases arising under the fourteenth amendment strictly in their sequence in time, but it seems preferable to consider them in the various divisions into which they fall.

CASES UNDER THE CIVIL RIGHTS ACT

The amendment was primarily designed, as we have seen, to protect the Negro in his civil rights. The Civil Rights Acts of 1870, 1871, and 1875, which we have outlined, show the kinds of rights which it was designed to secure. In *United States v. Cruikshank* section 6 of the Civil Rights Act of 1870 was involved—the anti-Ku Klux section. It was charged that the defendants had prevented Negroes from holding a public meeting and thereby deprived them of their rights under the Constitution and laws of the United States. It was contended that the Negroes had been denied the privileges and immunities of citizens of the United States and that they had been denied due process of law and the equal protection of the laws. But Mr. Miller held that they had

been denied no privileges and immunities as citizens of the United States.

The Slaughterhouse cases, which we shall consider later under the question of the power of the courts to regulate business and the activities of citizens, Miller had said that the Federal Government had no power over the privileges and immunities of citizens, save as expressly granted by the Federal Constitution. The fundamental privileges of the citizen were under the protection of the States, where they had always been. Only such privileges and immunities as had been expressly granted by the Federal Government, such as the right to deal in foreign commerce, to petition the Federal Government, the right to peaceable assembly, the right of habeas corpus, and now the suffrage without discrimination because of race, were Federal privileges.

He utterly rejected the theory that the privileges and immunities protected by the first part of section 1 of the fourteenth amendment, were the same as those which the States could not deny to citizens of other States under article IV, section 2, or the same as the Federal Government was forbidden from infringing by the first eight amendments.

There was vigorous dissent by Bradley and Field. They said that to limit the privileges and immunities to the few granted by the Federal Government, was to strip the clause of all force. It was intended to give the Federal Government the power to protect the same privileges as the States were prevented from denying to citizens of other States. Bradley, moreover, said that it was not difficult to tell what rights were protected: they were the same as those protected from Federal interference by the first eight amendments. And he said that to limit the privileges to those of a national character, was to take all the strength from the provision.

The decision caused great criticism. Boutwell and Howe declared that the Court had denied the amendment the scope that was intended for it. Years later Justice Moody said that criticism of the case had never entirely ceased.

The Supreme Court in the Cruikshank case followed the lead of the Slaughter House cases. It said that no rights under the Constitution or laws of the United States were involved. If the Negroes had attempted to hold a meeting to petition Congress the defendants could have been punished. But the right to peaceable assembly; the right to bear arms; the right of freedom from violence—these were rights protected by the States. No Federal right was involved. With the States lay the right and duty to protect the most sacred rights of men. The fourteenth amendment did not protect against violence by individuals. It protected only against interference with such rights by the State. Lastly it was not charged that the threatened denial was made on the ground of race. The Court added: "We may suspect that race was the cause of the hostility; but it is not so averred."

Again, in *United States v. Harris*, it refused to permit the National Government to take over the enforcement of the ordinary protection of citizens. It considered an indictment of 20 men who beat some Negroes while in the custody of the sheriff. The indictment was under section 2 of the Ku Klux Act of 1871, which made punishable a conspiracy to deprive any person of the equal protection of the laws. The Court held the statute void. It could not be sanctioned under the fourteenth amendment, because that amendment allowed Congress to act only against unequal State action, whereas the section in question punished individuals. It was not good under the thirteenth amendment, because the statute did not try to protect only Negroes from violence, but all persons, white and black. Besides, for a man to be subjected to violence and assault did not make him a slave.

Again, the Court made clear that the enforcement of the peace and order of the community belonged to the States.

Finally, the Court held that equal rights in inns and public conveyances could not be enforced by the Federal Government. We have already seen that the Supreme Court held that the Civil Rights Act of 1875, which granted equal rights in inns and public conveyances, could not be sustained under the thirteenth amendment. The rights were not essential to freedom. But it also held that it could not be sustained under the fourteenth. It said that the fourteenth amendment prohibited only State action. "It nullifies and makes void all State legislation and State action of every kind which impair the privileges and immunities of citizens of the United States or which injures them in life, liberty, or property without due process of law, or which denies to them the equal protection of the laws." It was State action which was prohibited, and the power to enforce the article was the power to prevent State action of a discriminating character. It granted that Congress could pass legislation to enforce the article, but that it was not general legislation upon the rights of the citizen but corrective legislation, counteracting the effect of State laws. But in the case at hand the State had not by law or custom sanctioned by the State denied equal rights in inns or public conveyances. The rights granted by the fourteenth amendment could not be impaired by wrongful acts of individuals. The State had no primary right to legislate under the fourteenth amendment, as it had under the thirteenth.

In conclusion, the Court questioned whether equal rights in inns and railroad coaches were rights which could be protected under the fourteenth amendment. The law was an attempt to enact a code of Federal law for the protection of equal rights, but the Court declared that if this were appropriate under the fourteenth amendment, "it is difficult to see where it is to stop. Why may

not Congress, with equal show of authority, enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property?" Why, it continued, could not "Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights [namely, life, liberty, and property], in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters?"

The Court proceeded to extend the principle of the Slaughterhouse cases that the amendment did not create a new code of Federal law of privileges and immunities. There was no new citizenship of the United States as distinguished from citizenship of the States. The only privilege and immunity granted by the amendment was freedom from the taking of life, liberty, or property without due process of law and the equal protection of the laws. So the Court held, in *Bradwell v. The State*, that a citizen of Vermont was not entitled to practice law in Illinois, if the laws of Illinois did not allow women to practice law. The right to practice law was a privilege granted by the laws of the State—not of the United States. In *Minor v. Happerset* it decided that the right to vote was not a privilege of women granted by the amendment. "The amendment," said Miller, "did not add to the privileges and immunities of a citizen. It simply furnished an additional guaranty for the protection of such as he already had." If women could not vote in the States before the amendment, they could not vote after it.

The tendency was strong to leave to the States the determination of the rights and privileges of citizens, save those specifically protected by the Federal Constitution.

UNEQUAL LAWS

But the Court showed, despite its tendency to cut down the power of the National Government, that it could speak vigorously against discriminatory action by the State authorities. In *Strauder v. West Virginia*, it reversed the conviction of a Negro because in that State no Negro could serve on a grand or a petit jury. A Federal statute provided that whenever a Negro was deprived of any right granted him by the Constitution, he could remove the case to a Federal court. The Court said that race prejudice existed; that the Negro had a right to be protected against it; and that consequently he had a right to a jury, not of Negroes or partly of Negroes, but to one from which Negroes were not excluded by law.

I shall not read all of this, but I conclude by reading this line:

The West Virginia law, excluding Negroes from juries, was such unfriendly legislation, and Congress could protect against it.

So the Negro is protected under the fourteenth amendment from discriminatory legislation, just as we all are, but he has no right to positive legislation for his protection, save to protect from the operation of discriminatory State legislation. The States are recognized as the local legislators; the Federal Government can act only to prevent discriminatory State action.

It goes on to show that this protection extends to all persons, and it cites the famous case of Yick Wo against Hopkins, which arose by virtue of an ordinance of the city of San Francisco, which was an attempt to freeze the Chinese out of the laundry business. That ordinance was stricken down because it represented affirmative action by a subdivision of a State which denied the equal protection of the law. I read further:

The court then refused to allow positive legislation to secure equal rights, but it announced that unequal State laws would be overthrown. The victory was a great one for State rights—for leaving with the States the protection of the fundamental rights of man. Fundamentally, the position is consistent with the principles of government. And yet the difficulty of proving discrimination in a State law, particularly in proving discrimination in the administration of a law equal on its face, is so great that the protection of equal laws has been of little avail.

Mr. President, the whole trend of this very able dissertation on the history of American political thought in considering the history and the scope of the fourteenth amendment is to the effect that legislation which can be sustained under the grant of power contained in the fourteenth amendment can only affect affirmative State action; in no event can it be sustained when it is directed to the acts of individuals, even though they be lawless individuals, as the pending bill attempts to do.

I shall conclude my remarks for the day in a very few moments. I have undertaken to point out some of the reasons why, as I see it, the fight on the pending bill is justified, and why the Senate should not pass this measure. It

is because it is sectional, because it can be considered as political, is aimed at one section of the country and at only one crime, and that crime one which is being reduced in number almost to the point of elimination.

I have shown the reasons which justify those of us who are opposed to the legislation going to the limit of our ability and human endurance in the effort to defeat the measure. We feel that we are justified in fighting cloture by every parliamentary method in order to defeat the bill and lay it aside, because we feel it is the first step in a program of such far-reaching importance and of such dire effect and consequence that it would strike down the civilization of the States which sent us to this body.

I feel that before this discussion is concluded the people in all parts of the Nation will see this bill stripped of the virtues claimed for it by its proponents and will realize that it is not a bill to punish the crime of lynching but a bill which deceives certain classes into thinking that its purpose is to punish the crime of lynching, when, as a matter of fact, the effect of it will be only to punish innocent people in counties where lynchings might occur.

Mr. President, I believe in the innate sense of fairness of the American people. I believe that when those opposed to this bill shall have discussed it for several weeks or perhaps months longer than then the sentiment of our people will react in these Halls, and the bill will be laid aside. If not, it will meet the fate that it deserves when it is finally put on its passage in this body.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Colo.	Pittman
Andrews	Davis	King	Pope
Ashurst	Dieterich	La Follette	Radcliffe
Austin	Donahay	Lee	Reynolds
Bailey	Duffy	Lewis	Russell
Bankhead	Ellender	Lodge	Schwartz
Barkley	Frazier	Logan	Schwellenbach
Bilbo	George	Loneragan	Sheppard
Bone	Gerry	Lundeen	Smathers
Borah	Gibson	McAdoo	Smith
Bridges	Gillette	McGill	Stetwer
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkeley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Truman
Burke	Hatch	Milton	Vandenberg
Byrd	Hayden	Minton	Van Nuys
Byrnes	Herring	Murray	Wagner
Capper	Hill	Neely	Walsh
Caraway	Hitchcock	Norris	Wheeler
Chavez	Holt	O'Mahoney	
Clark	Hughes	Overton	
Connally	Johnson, Calif.	Pepper	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEA, Mr. CHAPMAN, Mr. PEARSON, Mr. WOLVERTON, and Mr. REECE of Tennessee were appointed managers on the part of the House at the conference.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. McKELLAR and Mr. WAGNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. WAGNER. I did not hear the Chair. I addressed the Chair.

Mr. McKELLAR. The Chair said he recognized the Senator from Tennessee, as I understood him.

The PRESIDING OFFICER. The Chair recognized the Senator from Tennessee before he saw the Senator from New York, the Senator from Tennessee having addressed the Chair first.

Mr. McKELLAR. Mr. President, the other day when I made a speech on the antilynching bill I undertook to show what remarkable progress had been made by the Negroes since the Civil War. I had not finished when that day closed and I lost the floor. Today I wish to add what I intended to say at that time. I wish to discuss, for a few moments, some figures which are taken from the Negro Year Book, published at Tuskegee, Ala., which show the progress of the colored race in the South and in the entire country since the Civil War. I read from division 10, which deals with the progress in the 64 years from 1866 to 1930; the years for which the Tuskegee Institute has the figures. Remember, I am reading from the Negro Year Book, a book which I have found to be most interesting indeed.

I first read the figures with respect to economic progress on the part of the Negroes. In 1866 the Negroes owned only 12,000 homes. In 1930 they owned 750,000 homes. In 64 years their gain was 738,000 homes—not an inconsiderable accomplishment, in my judgment.

In 1866 Negroes operated 20,000 farms. In 1930 they operated 1,000,000 farms, or an increase of 980,000. In 1866 they operated only 2,100 businesses, all told, in the United States. In 1930 they operated 70,000 businesses, an increase in the 64 years of 67,900 businesses.

Coming to the question of wealth accumulated, Mr. President, I should like to have every Senator listen to the figures. The progress in that respect has been remarkable. It is a progress of which I am indeed proud. The wealth of the Negroes in 1866 was \$20,000,000; in 1930 it was \$2,600,000,000, or an increase of \$2,580,000,000. Think of a race that was in slavery in 1864, and which had accumulated only \$20,000,000 up to that time, by those who were free, wherever they were in the country, and which now has accumulated \$2,600,000,000 in wealth. I say that that speaks volumes for the colored race.

I have discussed the economic side.

The information which I am citing is taken from the Year Book to which I have referred. I come next to the educational progress.

The percentage of literacy—in other words, those who could read and write—in 1866 was only 10. In 1930, 90 percent of the colored people in this country were literate, representing an increase in the 64 years of 80 percent. I think that is marvelous progress.

Next I wish to call attention to the item of schools for higher training. In 1866 there were 15. In 1930 there were 800, or an increase of 785.

The figures are not given completely for students in public schools.

In 1866 the number of colored teachers in schools was 600; in 1930 there were 56,000 colored teachers in schools, or an increase of 55,400.

In 1866 there was only \$60,000 worth of property devoted to higher education; in 1930 the figure was \$50,000,000, or an increase of \$49,940,000.

The annual expenditures for all education in 1866 were \$700,000; in 1930 the figure was \$61,700,000, or an increase of \$61,000,000.

There was raised by the Negroes in 1866 only \$80,000. In 1930 there was raised by the Negroes \$3,500,000, or an increase of \$3,420,000.

Let us consider the religious progress of the colored race. The number of churches in 1866 was 700; in 1930, 42,000. That represents a gain in 64 years of 41,300.

The number of communicants in churches in 1866 was 600,000; in 1930 the number was 5,200,000, or an increase of 4,600,000.

There were 1,000 Sunday schools in 1866; in 1930 there were 36,000, or an increase of 35,000 in 64 years.

The number of Sunday school pupils in 1866 was 50,000; the number in 1930 was 2,150,000, or an increase of 2,100,000.

The value of church property in 1866 was \$1,500,000; in 1930 the figure was \$200,000,000, or an increase of \$198,500,000.

I desire to quote from the Year Book, heretofore referred to, in connection with property ownership:

Recent reports on property owning show that in 1928 Negroes in Georgia owned 1,444,294 acres of land assessed at \$13,491,171. The value of their city property was \$24,726,311. The total assessed valuation of all their property was \$48,633,022.

The Negroes of Virginia, in 1928, owned 1,981,258 acres of land assessed at \$29,663,190. The value of their city property was \$29,452,629. The total assessed value of all their real estate was \$59,115,819.

The Negroes of North Carolina, in 1928, owned 1,730,373 acres of land valued at \$49,621,980. The value of their city property was \$46,301,013. The total assessed valuation of all property, real and personal, of all North Carolina Negroes in 1928 was \$110,869,405.

Along with the movement of the Negroes to cities has come a marked increase in the amount of city property which they own. Reports on property owning in Georgia, North Carolina, and Virginia indicate that there is a tendency for Negroes to purchase less farm lands than formerly. This decrease in the acquisition of farm lands is offset, however, by an increase in the acquisition of city property. It is still true, however, that the lands which they own amount to more than 22,000,000 acres, or 34,000 square miles, an area greater than that of the five New England States—New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

I do not believe these figures are known generally. The advocates of the antilynching bill have never had anything to say about the progress made by the colored race—the economic progress, the educational progress, the religious progress, or any other progress. They have just sat here and made it obligatory upon those of us who are the real friends of the Negro to point out the progress that has been made by the Negro race. I take a great deal of pleasure in pointing it out. Think of it! Since the Civil War they have acquired so many acres that it would cover all five of the New England States. It is a remarkable record.

The Negroes of Georgia in 1928 owned 187,569 less acres of land than they owned in 1923, when the number of acres owned was 1,632,863.

In North Carolina, where the number of city lots owned by whites and Negroes is shown in the published tax returns, it is found that in 1923 the number of city lots owned by Negroes was 46,065. In 1928 they owned 63,009 city lots, an increase in number of 16,944, or 36 percent.

Acres owned in Georgia in 1923, 1,632,863; in 1928, 1,444,294, or a reduction of 13 percent.

In North Carolina in 1923, acres owned, 1,652,389; in 1928, 1,730,373; or an increase of 4.7 percent.

In Virginia in 1923 the Negroes owned 1,920,485 acres, and in 1928, 1,981,258 acres, or an increase of 3.2 percent.

Now, as to the value of farm property owned by Negroes, taking only the three States mentioned: In Georgia in 1923 the value was \$15,567,057, as against \$13,491,117 in 1928; in North Carolina it was \$48,343,205 in 1923, as against \$49,621,980 in 1928; in Virginia in 1923 it was \$28,899,656, and in 1928, \$29,663,190.

As to the value of city property in the three States: In Georgia in 1923 the Negroes owned \$20,179,465; in 1928, \$24,726,311; in North Carolina in 1923 they owned \$30,332,118, and in 1928, \$46,301,013; in Virginia in 1923 they owned \$20,065,409, and in 1928, \$29,452,629. Taking all three States, the increase was more than 40 percent; and in the other States, no doubt, the figures show a corresponding increase.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the table and statement from which I have been quoting.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Progress in 64 years, 1866-1930

	1866	1930	Gain in 64 years
Economic progress:			
Homes owned.....	12,000	750,000	738,000
Farms operated.....	20,000	1,000,000	980,000
Businesses conducted.....	2,100	70,000	67,900
Wealth accumulated.....	\$20,000,000	\$2,600,000,000	\$2,580,000,000
Educational progress:			
Percent literate.....	10	90	80
Schools for higher training ¹	15	800	785
Students in public schools.....	100,000	56,000	55,400
Teachers in all schools.....	600	\$50,000,000	\$49,940,000
Property for higher education.....	\$60,000		
Annual expenditures for all:			
Education.....	\$700,000	\$61,700,000	\$61,000,000
Raised by Negroes.....	\$80,000	\$3,500,000	\$3,420,000
Religious progress:			
Number churches.....	700	42,000	41,300
Communicants.....	600,000	5,200,000	4,600,000
Sunday schools.....	1,000	36,000	35,000
Sunday school pupils.....	50,000	2,150,000	2,100,000
Value church property.....	\$1,500,000	\$200,000,000	\$198,500,000

¹ Includes public high schools.

PROPERTY OWNING

Recent reports on property owning show that in 1928, Negroes in Georgia owned, 1,444,294 acres of land assessed at \$13,491,171. The value of their city property was \$24,726,311. The total assessed valuation of all their property, \$48,633,022. The Negroes of Virginia, in 1928, owned 1,981,258 acres of land assessed at \$29,663,190. The value of their city property was \$29,452,629. The total assessed valuation of all their real estate was \$59,115,819. The Negroes of North Carolina, in 1928, owned 1,730,373 acres of land valued at \$49,621,980. The value of their city property was \$46,301,013. The total assessed valuation of all property, real and personal, of all North Carolina Negroes, in 1928, was \$110,869,405.

Along with the movement of the Negroes to cities has come a marked increase in the amount of city property which they own. Reports on property owning in Georgia, North Carolina, and Virginia indicate that there is a tendency for Negroes to purchase less farm lands than formerly. This decrease in the acquisition of farm lands is offset, however, by an increase in the acquisition of city property.

It is still true, however, that the lands which they own amount to more than 22,000,000 acres or 34,000 square miles, an area greater than that of the five New England States, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

The Negroes of Georgia, in 1928, owned 187,569 less acres of land than they owned in 1923 when the number of acres owned was 1,632,863. In North Carolina where the number of city lots owned by whites and Negroes is shown in the published tax returns it is found that in 1923 the number of city lots owned by Negroes was 46,065. In 1928 they owned 63,009 city lots, an increase in number of 16,944 or 36.8 percent.

Property owning

ACRES OF LAND OWNED, 1923 AND 1928

State	Acres owned		Increase	
	1923	1928	Amount	Percent
Georgia.....	1,632,863	1,444,294	187,569	11.30
North Carolina.....	1,652,389	1,730,373	77,984	4.7
Virginia.....	1,920,485	1,981,258	60,773	3.2

VALUE, FARM PROPERTY, 1923 AND 1928

State	Value		Increase	
	1923	1928	Amount	Percent
Georgia.....	\$15,567,057	\$13,491,117	\$2,075,940	13.4
North Carolina.....	48,343,205	49,621,980	1,278,775	2.6
Virginia.....	28,899,656	29,663,190	763,534	2.6

VALUE, CITY PROPERTY, 1923 AND 1928

State	Value		Increase	
	1923	1928	Amount	Percent
Georgia.....	\$20,179,465	\$24,726,311	\$4,546,846	22.5
North Carolina.....	30,332,118	46,301,013	15,968,895	52.6
Virginia.....	20,065,409	29,452,629	9,387,220	46.6

¹ Decrease.

² For year 1922.

Mr. McKELLAR. So, Mr. President, under the conditions which have been maintained in the Southern States, where the Negroes have largely predominated, in their economic condition, in their religious condition, in their physical condition, in their educational condition, and in every other condition, there has been a marked betterment; and while there has been this remarkable betterment under the State governments, the crime of lynching, as has so often been said here, has constantly decreased. It has decreased from a maximum in 1892 of 231 to only 8 in 1937; and I have no doubt the number will continue to decrease, just as white lynchings have decreased until there are no more such lynchings, and I hope the day will soon come when lynching will disappear altogether.

I digress here long enough to say that it looks to be absolutely certain that this bill is not going to pass at the present session, and if we are given just a little more time the State governments of the South will do away with lynching in its entirety, as it ought to be done away with and as every right-thinking man believes it ought to be.

By refusing to intermeddle in the affairs of the South we might not give to some of those who are in politics some votes in their States, but, so far as the Negroes are concerned, I believe this debate has shown that it is manifestly to their interest that the handling of the crime of lynching and the punishment for it shall be left in the hands of the States. It would be inhumane, it would be nothing short of cruelty to the colored race, to change jurisdiction over this crime and lodge it in the Federal Government.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield for a question; I cannot yield otherwise.

Mr. DIETERICH. I should like to submit a report from a committee.

Mr. McKELLAR. I cannot yield unless it is agreed that yielding will not take me from the floor. I will be glad to yield if it is understood that I will not thereby be taken from the floor.

Mr. DIETERICH. May I ask unanimous consent that the Senator yield to me for the purpose of allowing me to submit a report from the Committee on the Judiciary and by doing so that he will not lose his right to the floor?

The PRESIDING OFFICER (Mr. NEELY in the chair). The Senator from Illinois asks unanimous consent that he be permitted to submit a report from the Committee on the Judiciary and that the Senator from Tennessee shall not thereby be deprived of the privilege of continuing his speech. Is there objection? The Chair hears none.

Mr. DIETERICH. Out of order, from the Committee on the Judiciary, I ask unanimous consent to submit a report for the Executive Calendar.

The PRESIDING OFFICER. Without objection, the report will be received and placed on the Executive Calendar.

(The report submitted by Mr. DIETERICH appears elsewhere in today's Record under the appropriate heading.)

Mr. McKELLAR. Mr. President, much has been said in this debate concerning gang killings; indeed, much of the debate has been directed to that subject. I desire at this time to read from a book on the subject of homicides in the United States which gives the figures.

A type of murder that has attracted much attention is the so-called gang execution.

When a man is killed, Mr. President, it makes little difference in the degree of criminality whether he is killed by a gang or is lynched. I never saw a lynching in my life; I am happy to say that there have been none in the city in which I reside since I have lived there. I do not recall there a gang killing, although there have been some gangsters, and I do not remember ever seeing a killing by a gang or by a lynching.

In the pending bill, however, it was specifically undertaken, as we all know, to exclude gang killings from its terms. An amendment has been offered by the distinguished Senator from Illinois [Mr. LEWIS] to eliminate a portion of that provision, and I am now speaking to that amendment.

Under the circumstances I think this quotation will be very enlightening:

A type of murder that has attracted much attention is the so-called gang execution. Such murders are generally confined to the large cities and are in marked contrast to the usual murder, which is characteristically an affair between individuals. These "gangsters" or "racketeers" are frequently engaged in occupations which are either illegal or disreputable. In particular, they often control the city's gambling dens, liquor business, vice resorts, and similar enterprises. Besides, they may carry on blackmail and other types of extortion. In Chicago in 1927 "over 90 legitimate businesses" were "dominated by gangsters" largely through contributions extorted upon some pretext.

When these gangs of freebooters come in conflict with each other there can normally be no appeal to the courts. Consequently they "fight it out." Rival leaders seek to destroy their competitors. When one slaying occurs reprisals follow, beginning a chain of murder that ends only with the surrender or extermination of one of the gangs.

I digress here long enough to say that I cannot imagine any private warfare that is much worse than the gangster feuds, and gangster killings are a hundred times more numerous than the particular crime aimed at in this bill. Yet it was desired to exclude gang killings from the provisions of the bill.

The spectacular nature of these "executions" is increased by the weapon employed—subcaliber machine guns and bombs, in many cases—and by the participants' apparent immunity from punishment.

Gangster killings in the great cities with immunity from punishment! Yet in the terms of the bill as originally presented and in its present form, if you please, gang murderers are exempted from punishment. Not only do the participants apparently have immunity from punishment, but if this bill were enacted as it was reported from the committee they would be excluded by the terms of the law.

In Chicago during 1926 to 1927 there were 130 slayings by gangsters, yet the Illinois Crime Survey reports, "There have been no convictions in gang murders in Chicago during the period covered by this analysis—1926 and 1927."

This immunity from punishment—

I return to the word "immunity." Immunity by whom? Immunity by the local authorities; absolute immunity. There were 130 of these slayings in 2 years. The 2 years seem to be joined together. Although there were 130 of them, this report says the slayers have been granted immunity by the local authorities and by the State authorities! That immunity, however, is no more than is granted in the bill as it is now before the Senate. If the bill were passed as it was reported out by the Senate committee, gangsters would be granted the same kind of immunity by the very terms of this law if it should be enacted.

This immunity from punishment is apparently due—

To what? This report says it is apparently due—

in part to collusion between "politicians" and "racketeers" and to the "rule of silence" required by the "underworld code of ethics."

It might be very "ethical" that all who take part in these gangster killings should be given immunity; but it is pretty hard on those who are killed, and there were 130 of them in one city during 1926-27, as against only 8 persons lynched in the entire country last year.

These gang slayings are not of great importance statistically, for they represent only a small proportion of the total number of homicides. Even in Chicago, where they are alleged to be most numerous, they did not account for one-seventh of the slayings during 1926 and 1927.

One-seventh! There were 130 of them. Seven times 130 is 910. That means that in Chicago there were 910 murders, 910 killings of human beings, in 1926-27, and we are doing nothing about it. We shall be giving the slayers immunity in this bill if it shall be passed as it has been reported out.

Their significance depends more upon the boldness with which they are committed, the freedom of the slayers from arrest, the spectacular methods employed, and the inability of the police to cope with the situation. In many ways these "gangsters" correspond to the "robber barons" of the Middle Ages, exacting tribute

from the defenseless public and engaging in bitter wars with one another.

Think of it, Mr. President. Let me read this again:

In many ways these "gangsters" correspond to the "robber barons" of the Middle Ages, exacting tribute from the defenseless public and engaging in bitter wars with one another.

Infinitely more numerous than lynchings were these crimes; and why? Because they were not prosecuted in those States; and yet, under the very terms of this bill, these gangster murders are specifically excused from any punishment.

I now come to another important part of this article. It is a survey, a report made after an investigation, and cannot be wrong:

In many parts of the United States an officer of the law is rarely thought of as a guardian of the peace, a representative of the public. If he is slain in the discharge of his duties, no one is aroused except his fellow officers and his family and friends. This attitude results in frequent slayings of policemen and in small punishment to the slayers.

Of 739 homicides in Atlanta, Birmingham, Memphis, and New Orleans during the years 1921 and 1922, police officers were involved in 6.6 percent of the total, furnishing the victim in one case out of seven. In Cook County, Ill., including the city of Chicago, 20 officers were slain during the years 1926 and 1927. In South Carolina from August 1, 1925, through July 31, 1928, one newspaper published accounts of the slaying of 11 officers of the law on duty, 5 of them at the hands of Negro men and 6 by white men. According to the census of 1920 there were in South Carolina at that time only 740 policemen, sheriffs, constables, detectives, etc. If this number had not been increased by the period 1925-28, and if the newspaper referred to above published accounts of all of the actual slayings of officers, the annual homicide rate for this occupation in this State was 495.5 deaths per 100,000 persons, one of the highest homicide rates ever published, approximately 40 times greater than the rate for the general population of South Carolina.

This attitude that the policeman is an unimportant, if not a menial servant and that he is a "fair mark" for the slayer is in striking contrast with the situation in Europe, where the policeman is often considered a respected public official, the defender of law and order. In London, for example, the officers do not usually carry revolvers while on duty, yet "the killing of a London policeman is practically unheard of."

Mr. President, I digress here long enough to say that one of the usual expressions of an American who travels in Europe is that he is very glad to get back to America, because America is a so much greater country than Europe, a so much better country than Europe; and in most respects that is true. There is just one respect, however, to which I wish to call attention, in which I doubt whether or not it is true.

Last fall I happened to travel over some 12 European states in an automobile. We interviewed policemen at every little town or village or city to which we came. Without a single exception every policeman to whom we talked was a polite, helpful, kindly sort of man, who gave the information that we asked for. If the driver of our automobile made a mistake in going up a street that he ought not to have gone up, a policeman would come out and stop us and say, "Gentlemen, this is a one-way street. Go on as you are, but turn at such a place, and I will go with you and show you where to turn and help you along." There was not a single word of the kind we frequently hear in this country: "Say! Where are you going? Don't you know you can't go there? I'll arrest you and take you to the police station if you go there." Nothing of that kind ever occurred. Nothing but kindness and gentleness and courtesy did I experience in the 30 days' trip that I made through 12 different European countries, and the policemen were of the same fine type in all the countries.

I hope our policemen may come to be men of that type. I think it would be a wonderful thing if they were. In that event we should have less of crime and killing in this country. That is one respect in which we could profitably follow the example of European police officers.

I continue to read:

The treatment accorded the policeman is also in marked contrast with that given the soldier. When a man is slain upon the field of battle, he is honored as a hero, and his family is pensioned. But when a policeman is killed by a desperado, he is

quickly forgotten, his wife and children may soon be in want, and his slayer often escapes with little or no punishment.

This high homicide rate among law-enforcement officers not only reduces their zeal in the pursuit of desperate criminals and lowers the quality of the men available for such positions, but it also increases markedly the number of persons slain by the police. As one patrolman put it, "When I go out to my 'beat' in the morning and see those badges up there in memory of those of us who have been killed on duty, I think about my wife and children. Could you blame me if I should shoot to kill if I should see a 'mean one' reach for his gun?"

The number of persons slain by officers of the law—

Says this report—

is consequently by no means insignificant. In Chicago during 1926 and 1927 a total of 89 persons were reported as having been killed by the police.

I do not recall the exact number killed in Chicago during the labor trouble of last year, but I see on the floor the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], who was chairman of the committee which investigated the matter, and he probably can tell me. Last spring or summer there was a hearing before a committee, of which he was chairman. A number of labor people had gathered together at some point in Chicago, and moving pictures were taken of the fight between them and the police. A number of people were shot down by police officers. I ask the Senator from Wisconsin whether he recalls any prosecution of those officers by the State officials for that shooting?

Mr. LA FOLLETTE. My information is that there were no prosecutions. There was a grand jury investigation.

Mr. McKELLAR. But no true bills were found and there were no prosecutions. Does the Senator recall how many were shot?

Mr. LA FOLLETTE. I think 8 people were fatally injured, and 21 received bullet wounds.

Mr. McKELLAR. Does the Senator recall how many the pictures show were shot in the back?

Mr. LA FOLLETTE. An analysis of the injuries and fatalities sustained both by marchers and police was made by Dr. Lawrence Jacques, an experienced surgeon familiar with gunshot wounds, who had been retained by the union shortly after the outbreak of the strike. His testimony was based upon the coroner's reports, his personal examination of the marchers, including four of the fatalities, supplemented, in the few cases which he did not himself treat, by consultation with the physicians who did, and the police accident reports. He classified the gunshot wounds as "front," "back," or "side," according to their angle of incidence.

Ten marchers were fatally shot. Seven received the fatal wound in the back, three in the side, none in front. Some of those fatally shot also received severe lacerations and contusions. Thirty others, including one woman and three minors, received gunshot wounds. Nine of these thirty, it was testified, are probably permanently disabled. Twenty-eight marchers received lacerations and contusions of the head, shoulders, and back requiring hospitalization, and between 25 and 30 others received injuries requiring medical treatment. The 40 marchers who were shot received a total of 45 bullet wounds, 1 being shot as many as 4 times. Eight of those wounded by bullets also had lacerations and contusions of the head and body. Only 4 out of a total of 45 inflicted wounds are classified as "front wounds," and of these, 3 bullets entered the extremities and are arbitrarily so classified. Twenty-seven of the forty marchers who were shot received back wounds, and the remaining nine were wounded in the side.

Mr. McKELLAR. As I recall the picture—and if I am incorrect, I hope the Senator will correct me, because he saw the picture at the time—one was shot after he had fallen, or apparently was on the ground when he was shot. In other words, these men were not only shot while running, but at least one of them, according to the picture, was shot after he had hit the ground.

Mr. LA FOLLETTE. There was a conflict of testimony in that regard. The police contended that the man was shot after he was on the ground because he was reaching for a

gun, but there was also testimony by the eyewitnesses contradicting that contention, being to the effect that he had been shot while in a standing position.

Mr. CONNALLY. Mr. President, will the Senator from Tennessee yield to me for a question?

Mr. McKELLAR. For a question only.

Mr. CONNALLY. The Senator has investigated the pending bill and the authorities in connection with the incident in Chicago of policemen shooting down a number of strikers, or strikebreakers, or laboring people. Let me ask the Senator whether it is not true that the pending bill is meticulously and carefully drawn so as not to make those police officers liable under the law for shooting down men in circumstances such as that because they were not in custody.

Mr. McKELLAR. What the purpose is I cannot say, but by its wording the bill specifically excludes such persons from punishment, and it seems to me that any law of general application throughout the United States ought to provide for inclusion of those guilty of such killings, and prescribe punishment for such killings, if we are constitutionally authorized to do so.

Mr. CONNALLY. Is it not true that the bill is so drawn that if a sheriff should happen to have a man in custody and, through lack of zeal on his part, or something else, the man should be taken out of his custody and lynched, that officer would be subject to incarceration in the penitentiary for 5 years?

Mr. McKELLAR. Yes.

Mr. CONNALLY. But if a bunch of policemen shoot down an army of defenseless men—

Mr. McKELLAR. Gangsters.

Mr. CONNALLY. Anyone, strikebreakers, whether they are gangsters or laboring people, if the man killed is not in the custody of some officer, the policeman can shoot him down, and is not in anywise amenable under the pending measure.

Mr. McKELLAR. Absolutely.

Mr. CONNALLY. And the bill is meticulously and carefully drawn so as to exclude the punishment of police officers who shoot down laboring people in labor disturbances and labor strikes.

Mr. McKELLAR. That can be the only possible purpose of the language that is used in the bill. The Senator is entirely correct. I continue reading:

In Chicago during 1926 and 1927 a total of 89 persons were reported as having been killed by the police. In New York City there were 152 killings by policemen during the period 1922-28, an average of 21.7 persons each year. In South Carolina a single daily newspaper reported during a 3-year period 33 deaths at the hands of officers of the law. Of the victims, 23 were Negro men and 10 were white men.

These quotations are taken from *Homicides in the United States*, by H. C. Brearley, written in 1932.

Mr. President, why this discrimination? Why limit this bill to one class of killings? When a man is killed he is dead, and so far as this world is concerned he has no more to do with it. Why should we take one class of killings out of the hands of the State? It has been shown by incontrovertible proof that State authorities are doing everything in their power to stamp out the crime of lynching, and the number has dwindled from 231 in 1892 down to 8 in 1934. Why should that crime be singled out by leaving in the bill an exemption against killings which are a hundred times greater in number than killings by lynching? There is but one answer, of course, and that is that the bill is a political bill. If course, it is a political bill. Everyone knows it to be. I imagine it is going to have some political effect, too.

Mr. President, a few years ago I had the pleasure of serving with a distinguished Senator from Missouri by the name of Harry B. Hawes. In January 1922 a bill exactly like the one now before us was being considered by the Congress of the United States, and Mr. Hawes at that time was a Representative from Missouri in the House of Representatives. On January 17, 1922, he made a speech. I do not know whether or not Missouri has changed a great deal since that time,

but, as I remember, Mr. Hawes was afterward elected to the Senate and then voluntarily retired from the Senate, a very unusual occurrence.

Mr. CONNALLY. Mr. President, may I ask the Senator a question in that connection?

Mr. McKELLAR. If it does not take me from the floor.

Mr. CONNALLY. Just a question.

Mr. McKELLAR. I yield for a question.

Mr. CONNALLY. This speech of Senator Hawes, then Representative Hawes, was made in 1922 in the House of Representatives?

Mr. McKELLAR. Yes.

Mr. CONNALLY. Is it not true that in 1924 Representative Hawes ran for United States Senator from Missouri, after making that speech, and having it sent all over Missouri, and that he was triumphantly elected, when other Democrats in Missouri fell by the wayside and were defeated?

Mr. McKELLAR. Yes; even including the Democratic Presidential candidate. As I remember, the Democratic Presidential candidate was overwhelmingly defeated in Missouri that year, but Mr. Hawes, who, by the way, made this speech, in substance, time and time again in his campaign, was overwhelmingly elected.

I desire to quote from this speech of Senator Hawes. He said:

A scientist states:

The resulting characteristics of the crowd are (a) a descent of several rungs in the ladder of civilization; (b) a general intellectual inferiority, as compared with the isolated individual; (c) loss of moral responsibility; (d) impulsiveness; (e) credulity; (f) exaggeration; (g) intolerance; (h) blind obedience to the leader of the crowd.

Whenever a community reaches this hysterical stage it is injured just as an individual would suffer in nerves, physical exhaustion and depression following a nervous reaction.

We all know that to be true:

The local community must apply the remedy. Our recourse will naturally be the removal of the cause. The remedy is, however, local, not national.

Mr. Hollard Thompson, in a volume of the Yale University Press, gives a dispassionate statement upon this subject:

Rape is by no means the only crime thus punished; sometimes the charge is so trivial that one recoils in horror at the thought of taking human life as punishment.

That applies to gangster killings too. Sometimes such killings occur because there is a reduction in the price of liquor in the gangsters' district, sometimes because of enmity which grows up between two rival gangsters, and sometimes they grow out of personal altercations. It is so everywhere.

Yet it must not be forgotten—

Said Senator Hawes—

that over certain parts of the South a nameless dread is always hovering. In some sections an unaccompanied white woman dislikes to walk through an unlighted village street at night; she hesitates to drive along a lonely country road in broad daylight without a pistol near at hand; and she does not dare to walk through the woods alone. The rural districts are poorly policed, and the ears of the farmer working in the field are always alert for the sound of the bell or the horn calling for help, perhaps from his own home. Occasionally, in spite of all precautions, some human animal, inflamed by brooding upon the unattainable, leaves a victim outraged and dead, or worse than dead. Granted that such a crime occurs in a district only once in 10, or even 20 years; that is enough. Rural folks have long memories, and in the back of their minds persists an uncontrollable morbid dread. The news of another victim sometimes turns men into fiends who do not only take life but even inflict torture beforehand. The mere suspicion of intent is sometimes enough to deprive such a community of its reason, for there are communities which have brooded over the possibility of the commission of the inexcusable crime until the residents are not quite sane upon this matter. Naturally calmness and forbearance in dealing with other and less heinous forms of Negro crime are not always found in such a neighborhood. This fact helps to explain, though not to excuse, some of the riots that occur.

Mr. President, after all is said and done, the crime for which lynching is most frequently resorted to is one of the most heinous crimes that is known to civilization. We have spent about 6 weeks talking about this measure to date.

That time has been futilely spent. We are spending the people's money talking about a bill of which in their hearts not 10 Senators are in favor; which not a single Senator has defended on the floor. Some Senators may be for the bill, but they keep their position very much to themselves. They may be for it, but they are not talking about it.

No one can defend the crime of lynching. No one can defend the crime of rape, to punish which lynching is most often resorted to. I wish we could do away with both crimes, but the Federal Government cannot do it. There is only one government on the face of the earth that can do it, and that government is the local government, either the State government or the county government. Only the State or county government can do away with both these crimes, as both of them ought to be done away with.

Why should we spend 6 weeks of the time of the Senate of the United States to aid in the punishment of eight crimes committed in the United States last year when many hundred times that number of homicides go unpunished?

Mr. President, we should do everything we can to decrease the crime of lynching. I have appealed not only to the Governor of my State but to the Governors of every Southern State, and have received a favorable response from each of them. The Governor of my State said that he will use every effort in his power during 1938 and succeeding years, while he is Governor, to prevent such crimes; that, if necessary, he will call out the State militia, the State police force, and the constabulary, and use every means in his power to prevent these crimes. That is the only way the situation can be handled. Lynching is the only crime in the United States that has been lessened, and it is only by local efforts that we can get rid of it. We can help a great deal more by urging the colored people, against whom I have not one particle of prejudice, for whom I have nothing but the kindest feeling, to control the ignorant members of their race, so that there will be an end to the crime of rape upon white women in this country; for so long as that crime is committed we know that passions will be so inflamed that we cannot be sure of what a community will do under such circumstances.

I read further from Senator Hawes:

The better element in the South, however, opposes mob violence.

Remember, this was spoken in 1922.

And this opposition is growing stronger and more purposeful. Associations have been formed to oppose mob rule and to punish participants. Where reputable citizens are lukewarm it is largely because they have not realized that the old tradition that lynching is the proper remedy for rape cannot stand. If sudden, sharp retribution were inflicted upon absolute proof, only for this one cause, it is doubtful whether such effective opposition could be enlisted. Yet wiser men have seen defiance of law fail to stop crime, have seen mobs act upon suspicions afterward proven groundless, have seen mob action widely extended, and have seen the growth of a spirit of lawlessness. Where one mob has had its way another is always more easily aroused, and soon the administration of the law becomes a farce.

Mr. President, that seems to be true with reference to gangster killings, that seems to be true with reference to the murders committed throughout the country, that seems to be true with reference to the crimes of rape throughout the country. They are constantly increasing.

The other day I produced figures showing that the number of homicides had increased manifold in the last few years. I produced figures to show that the crimes of rape were constantly increasing in number. I produced figures to show that the number of burglaries and larcenies was constantly increasing throughout the country. The only crime that is not increasing is the crime of lynching, and that is steadily declining year by year. Yet the Senate of the United States has spent 6 weeks of its time in the discussion of a measure the purpose of which is to punish those who commit eight crimes a year.

Mr. President, the Senator from New York, in an undertone, says that I am filibustering. Will not the Senator say it out loud? I have been trying for 4 or 5 weeks to get the Senator from New York, who is one of the authors of this bill, to stand up and fight for it, but he has not done so.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield only if it will not take me off the floor.

Mr. WAGNER. Of course, from time to time I have made some statements concerning the pending measure. I was not going to do anything to aid the filibuster, but I am prepared to speak now if the Senator will yield.

Mr. McKELLAR. The Senator will speak now?

Mr. WAGNER. Yes; if the Senator will yield.

Mr. McKELLAR. Yes, Mr. President; the Senator will speak after he knows he has lost the battle, after he knows the bill is not going to pass.

Mr. WAGNER. I do not know anything of the kind.

Mr. McKELLAR. If the Senator from New York does not know it I think he is one of few who do not, because it is certain that this bill is not going to pass at the present session. The Senator wants me to yield. Why? Because we are going to have a vote on this question tomorrow. If the Senator has a sufficient number of votes, as is alleged, why does he rise to defend the bill at this late date after the fight has gone on for 6 weeks? After having sat mute in his chair for 6 weeks while this bill was being debated, why does he want to get up at the last minute and make the closing argument in favor of the bill?

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. McKELLAR. I will yield if I do not lose the floor.

Mr. CONNALLY. Let me ask the Senator from Tennessee if it is not true that the vote tomorrow will be on the question of cloture, and no defense of the bill itself that the Senator from New York could make would really be pertinent at the present time so far as the motion with respect to cloture is concerned. He has had opportunity to speak since last August. I ask the Senator if it is not true that this is the third time within a year that the Senate has been pestered and bedeviled and annoyed with this bill—last August during the regular session, in the special session which was called for other purposes, and now again in this regular session?

Mr. McKELLAR. That is true.

Mr. CONNALLY. Today is a late date for the Senator from New York, when we are going to vote on cloture, to come rushing wildly into the Chamber with a book in his hand and say, "I want to speak in defense of my bill," which is in the last stages of consumption. [Laughter.]

Mr. McKELLAR. Mr. President, I wonder if I may tell a story which, it seems to me, illustrates the situation of this particular bill. I mean no offense to anyone. I do not mean any offense to the authors of the bill, of course. I read the story when I was a boy. That was a long, long time ago.

The story is to the effect that many years ago in Virginia—I do not see either of the Senators from Virginia in the Chamber at the moment—there was a political party known as the readjustment party. I do not know what "readjustment" meant. I was not old enough to know at the time what the name of the party meant; but it seems that Gen. William Mahone—a man who had been a Confederate general and who afterward became a United States Senator—fell out with his party, or his party fell out with him. He left the Democratic Party and became a "readjuster," a member of the readjustment party.

The story was that General Mahone had a Negro servant who had formerly belonged to him as a slave before the war. Incidentally, I should explain that General Mahone was elected on the readjustment party ticket, composed of some whites but chiefly of colored persons. He was not only elected to the office for which he first ran but was afterward elected United States Senator.

The story was that he had a colored servant by the name of Sam Mahone who formerly belonged to him as a slave. Sam was a good boy and loved his employer, General Mahone. He looked after him as a body servant. He thought General Mahone was just the greatest man in all the world.

Sam dreamed he died and went to heaven. When he got to heaven he found that it was walled in by a marble wall, and that there was a long walk or driveway of marble from the

bottom of the hill for perhaps 2 miles up to the pearly gates, at which St. Peter presided. Sam approached the gates, knocked on the gates, and St. Peter opened them and said, "Who is there?"

"I am Sam Mahone, of Virginia."

"What did you do down in Virginia?" St. Peter asked.

"I was a body servant for many years of General William Mahone."

St. Peter said, "Sam, are you walking or are you riding?"

Sam said, "I am walking, sir."

St. Peter regretfully shut the gates on Sam and said, "I am sorry, Sam, but nobody can get in here who is walking."

So Sam turned sorrowfully away and walked down to the foot of the hill. Just as he got there he met the spirit of General Mahone. He said, "General, where is you goin'?"

The spirit of the general replied, "I am going to heaven, Sam. Why are you coming away?"

Sam said, "Well, you can't get in there, boss. They don't allow nobody to come in there that's walkin', and you is walkin'."

The spirit of the general said, "How do you know?"

Sam related his experience. General Mahone—who was a very, very able man, and a very fine man at getting out of difficulties, and a very fine man for using other people to help him get out of difficulties—said, "Sam, let us see about it." After a moment's thought he said, "Sam, I have this thing figured out. I will tell you how both of us can get in." He said, "Sam, you just get down on all fours. You are a big man, and I am a little man. Just get down on all fours, and I will get on your back, and we will just go right on up to the pearly gates; and when they ask me the question, 'Who is there?' I will tell them 'General Mahone', and when they say, 'Are you riding or walking?' I will say, 'I am riding,' and we will both go in together."

Sam said, "My god, boss, there's nothing like having a good mind. You sure has got sense. Of course I'll get down on all fours and take you in."

The boy got down on all fours, and General Mahone jumped on his back, and they went on up to the pearly gates. General Mahone knocked on the gates, and St. Peter came and said:

"Who is there?"

"General Mahone, from Virginia."

"Are you riding or are you walking?"

"I am riding."

St. Peter said, "Just hitch your horse on the outside and come right on in, General." [Laughter on the floor and in the galleries.]

I want to say to the colored people who may be in the galleries—

Mr. WAGNER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. CLARK in the chair). The Senator will state it.

Mr. WAGNER. I have never before complained about the conduct of the occupants of the galleries, who are here only through the courtesy of the Senate. Those of us who are proponents of this legislation are sincere about it. We are seeking merely a fair trial, under a civilized form of government, of everybody accused of crime.

Mr. McKELLAR. Mr. President, I do not want to yield the floor for a speech by the Senator from New York.

Mr. WAGNER. Therefore, I say—

Mr. McKELLAR. I make the point of order that the Senator from New York has not raised a point of order.

Mr. WAGNER. I raise this point of order—

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. WAGNER. I make the point of order that the Presiding Officer ought to admonish the occupants of the galleries that they are here through the courtesy of the Senate, and that they ought not to indulge in levity and manifestations of amusement when a bill of this kind is under consideration.

The PRESIDING OFFICER. The Senator undoubtedly states the rule correctly. The occupants of the gallery are

here as guests of the Senate, and the rules of the Senate expressly forbid any demonstrations of approval or disapproval on the part of occupants of the galleries.

The Chair did not feel free to admonish the occupants of the galleries of his own motion, because it is evident that the Senator occupying the floor has been deliberately exciting the occupants of the galleries, as other Senators have done, to a demonstration of levity. Therefore, the Chair thought it was perhaps unfair to admonish the occupants of the galleries for doing something that they might possibly be considered to have been invited to do.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. McKELLAR. I yield, provided I do not lose the floor.

Mr. CONNALLY. I ask the Chair first whether I may make a parliamentary inquiry without taking the Senator from the floor.

The PRESIDING OFFICER. The Senator may do that.

Mr. CONNALLY. The inquiry is with regard to the ruling which the Chair has just made. Is it not true that the human body is subject to certain involuntary reactions for which the person who possesses the body is not entirely responsible? If a story is told which convulses the occupants of the galleries, is it any crime for them to respond?

The PRESIDING OFFICER. The Chair rules that that is not a parliamentary inquiry, but involves physical facts upon which the Chair does not feel called upon to pass as Presiding Officer.

Mr. McKELLAR. Of course, the Chair is entirely right in admonishing the occupants of the galleries. I concur in the Chair's admonition, but we have been having a long, one-sided debate, which at times has been dry; and the occupants of the galleries ought not to be censured too severely if they occasionally express a little approval or disapproval.

While I agree with the Chair entirely in his admonition to the occupants of the galleries and in his statement with respect to the rules, I take great pleasure in thanking the galleries—

Mr. BARKLEY. For their irregularity.

Mr. McKELLAR. For their irregularity, as suggested by my distinguished colleague.

Mr. President, I still believe, beyond question of doubt, that this bill is dead, and that we are talking about something that will never occur. We are expending the money of the people by sitting here and considering this bill, and we are expending our own energies. This is the third fight I have made against this very proposal. Let us see what its progress has been since I first began fighting against it.

In 1922 when, according to the record, I fought this bill, 6 white persons and 51 Negroes were lynched in the entire country. That was when I first began fighting this bill. It was then known as the Dyer antilynching bill. I believe its name has been changed, but its language has been changed very little. In that year there were 57 lynchings in America. We did not pass the bill. Since that time the number of lynchings in a year has been reduced from 57 to 8. Under the present plan we have reduced the lynchings in America in a year 49 out of 57.

That is a tremendous decrease in that length of time. I am not very good at percentages, but anyone can take the figures and make the computation. 1922 was 16 years ago. If we reduced the number of lynchings 49 out of 57 since 1922, it is a plain matter of mathematics that in 4 or 5 years they will terminate entirely.

Why change such a system? Why go to a different system? Why turn this matter over to the Federal Government, when the States are making such remarkable progress with it? Why should we do it?

The Federal Government has jurisdiction here in the District of Columbia; and since I have been speaking somebody has sent me a newspaper showing the way in which crime is dealt with here by the Federal Government. We from the States are proud of the way in which the crime of lynching

has been reduced since 1922; but it is sought to take away from the States the enforcement of the laws against that crime, and turn it over to the United States Government, when right here in the city of Washington, under the eaves of the Capitol, the condition exists which I am about to describe.

I read from the Chicago Tribune of January 24, 1938, the following headlines:

Senate roused by crime wave in Washington. Record called worst of any United States city.

If the record in this city is the worst in any United States city, why should we turn over the prosecution of the crime of lynching to the Federal Government? Why should we take it away from the States, which are decreasing the crime virtually every year and have brought it down to just eight lynchings in the entire United States last year, and turn it over to the Federal Government, when this newspaper says that the city of Washington, where the Federal Government has exclusive jurisdiction, has the worst crime record of any city in the United States?

By the way, I do not think anyone will accuse this newspaper of being a southern newspaper. It is the Chicago Daily Tribune. In the past, at any rate, it has not particularly stood up for our section of the country. It is a great newspaper. I have no criticism of it.

This is a Chicago Tribune Press Service dispatch:

SENATE ROUSED BY CRIME WAVE IN WASHINGTON—RECORD CALLED WORST OF ANY UNITED STATES CITY

WASHINGTON, D. C., January 23.—A crime wave has struck the Nation's Capital with such sudden force that protests have been heard from the Senate floor denouncing the city's record as worse than in any State or city government anywhere.

Mr. President, I hope I shall not be regarded as losing the floor if I speak for a moment to our leader—my two leaders, in fact. I have one on either side.

Mr. BARKLEY. "Choose you this day whom ye will serve." [Laughter.]

Mr. McKELLAR. I am going to serve the Senator from Texas [Mr. CONNALLY] this day. As the Senator knows, I am always frank. I always say exactly what I mean.

Mr. KING. Mr. President, if the Senator from Tennessee will pardon me, I think he is serving his country.

Mr. McKELLAR. I desire to read this article:

Front page headlines in Washington newspapers this week have read: "Fifty District of Columbia crimes in 48 hours," "Shop robbed third time as policeman steps out," "More policemen needed in District of Columbia," and "Bandits defy extra police in new raids."

Mr. President, I digress here long enough to remark that in what I am saying about this matter I do not mean to criticize the Washington police. I think they are doing the best they can do under the circumstances. This article shows that at times crimes will be committed. The police in this city are not handling the crime situation as well as we are handling it in the South. They are not reducing crime in the ratio in which we are reducing it. For that reason I am making a comparison, in order to show that jurisdiction of crime should not be taken away from the States and turned over to the Federal Government.

Offenses range from purse snatching to armed hold-ups, kidnapping, safe crackings, assaults, thefts of automobiles, and house-breaking. In one police line-up of suspects this week more than 200 victims identified 11 men as robbers.

POLICE WORK OVERTIME

Maj. Ernest W. Brown, Chief of Police, says the situation is due to the inadequacy of his force in a rapidly growing city. The entire force is working overtime, officers on day duty often returning for extra night service.

One liquor store was robbed so often that a special policeman was assigned to guard it. When the policeman left the store to make a routine call from the corner police box the store was robbed again—the third time in 2 weeks.

A Government employee was forced into a car in front of his home, beaten, robbed, taken to Rock Creek Park, and dumped out.

SENATORS COMPARE CITIES

It was during debate of the antilynching bill in the Senate that Senator KENNETH McKELLAR (Democrat, Tennessee), brought up the question of Washington's crime situation. After reading a newspaper

per account of the many hold-ups and robberies, he put the paper down and exclaimed, "I do not think there is a State or city government anywhere that surpasses that crime record!"

The record he referred to showed, among other things, that in the 24-hour period from midnight Monday to midnight Tuesday, 36 robbery cases had been reported to the police.

Senator ALLEN J. ELLENDER (Democrat, Louisiana), then took the floor to compare crime conditions here with those of New Orleans—a city with about the same population as Washington. He said that arrests for crime in Washington were nearly twice as many as in New Orleans.

RECORD OVERSHADOWS NEW YORK'S

Statistics show that Washington's record is worse even than that of New York City, whose crime-ridden condition was revealed by the successful racket prosecution of Thomas E. Dewey, now district attorney of Manhattan.

Washington's 1938 population is estimated at 637,000, while New York, with 7,428,135, is more than 10 times as large.

Despite this disparity in population, according to figures just made public by the Federal Bureau of Investigation, there were more burglaries committed in Washington than in New York during the first two quarters of 1937.

STATISTICS ARE COMPARED

In the first 3 months of 1937 there were reported to police in Washington 860 housebreaking cases. In New York, in the same period, 646 cases were reported. In armed hold-ups the two cities ran almost neck and neck—Washington 243, and New York 296. In the same period, 1,815 automobiles were reported stolen in New York, while 763 were reported stolen in Washington.

During the second 3 months of 1937, Washington reported 766 burglaries, while New York had 752. In the third quarter New York forged a little ahead, 866 places being broken into, while Washington's total was 768. Figures for the last quarter of 1937 are not available.

Mr. BARKLEY. Mr. President, is the Senator willing to yield at this point?

Mr. McKELLAR. I should like to go on for 5 or 10 minutes this afternoon or tomorrow, if the Senator prefers.

Mr. BARKLEY. I was about to propose a unanimous-consent agreement.

Mr. McKELLAR. I shall be glad to have the Senator make his request if it does not take me from the floor.

Mr. BARKLEY. No; I will take no advantage of the Senator.

Mr. McKELLAR. I am sure of that.

Mr. BARKLEY. When the Senate meets tomorrow there will be only 1 hour prior to the vote on the motion for cloture. In all fairness, I think no one Senator should obtain the floor and occupy the hour exclusively. Several Senators would like to speak briefly upon the matter before the Senate. Therefore I ask unanimous consent that during the hour from 12 to 1 o'clock tomorrow the time shall be equally divided between the proponents and the opponents of the pending measure or the motion which will be voted upon, and that the division of time shall be controlled by the Senator from New York [Mr. WAGNER], in favor of the bill and motion, and by the Senator from Texas [Mr. CONNALLY], in opposition.

Mr. McKELLAR. The time is to be divided equally; but how the speeches shall be made and how many may be made is a matter to be settled by agreement between the Senator from Texas and the Senator from New York?

Mr. BARKLEY. That is true; yes. That is my request.

Mr. McKELLAR. I have no objection to that, Mr. President.

The PRESIDING OFFICER (Mr. BULKLEY in the chair). Without objection, the unanimous-consent agreement proposed by the Senator from Kentucky is entered into.

Mr. McKELLAR. Mr. President, that is with the understanding that the Senate is now to take a recess?

Mr. BARKLEY. Yes.

Mr. MINTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. McKELLAR. I will yield for a question.

Mr. MINTON. I thought the Senator had yielded the floor to the Senator from Kentucky.

Mr. McKELLAR. No.

The PRESIDING OFFICER. No; the Senator from Tennessee has not yielded the floor.

Mr. McKELLAR. Mr. President, if the Senator from Kentucky wants me to yield now for a recess, I shall be glad to do so.

Mr. BARKLEY. I think we might as well suspend at this point.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Missouri.

Mr. CLARK. On Monday, at my request, the Senate granted permission for the insertion in the Appendix of the RECORD of a speech by the majority leader, the Senator from Kentucky [Mr. BARKLEY], at the dinner at Louisville, Ky., last Saturday night. Inadvertently, I omitted to ask unanimous consent at that time also to include a letter sent to the banquet by the President of the United States. I now ask unanimous consent that that letter may be inserted in the Appendix of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MINTON. Mr. President, tomorrow we are to hear something about cloture; perhaps something by way of excuse, explanation, extenuation, or what not. In order that we may have all the light possible upon the subject, so that we may understand the position of the Senators, I wish now to read into the RECORD a list of Senators who signed a cloture petition in 1933.

Mr. McKELLAR. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. I yielded to the Senator from Kentucky for the purpose of enabling him to move a recess; not to yield the floor to someone else to make a speech. I am sure the Senator from Kentucky will uphold me in that statement.

Mr. BARKLEY. The Senator yielded for the purpose of allowing me to make a motion that the Senate go into executive session, and then for a recess; but when in the late afternoon Senators ask that I yield to them, not being a mind reader, I cannot tell why they ask me to yield.

Mr. MINTON. I am not going to make a speech. It will take only a moment to read these names.

Mr. HARRISON. Mr. President, we will have an hour tomorrow; the Senator from Tennessee has the floor, I understand—

The PRESIDING OFFICER. The Chair understands that the Senator from Tennessee yielded the floor for the day.

Mr. McKELLAR. Oh, no; I yielded it to enable the Senator from Kentucky, our leader, to make a motion for a recess until tomorrow, or for the Senate to go into executive session, but not for the purpose of allowing debate to proceed.

The PRESIDING OFFICER. It has been customary for Senators to make brief remarks under similar circumstances.

Mr. McKELLAR. What is the request of the Senator from Indiana?

Mr. HARRISON. I suggest the absence of a quorum.

Mr. BARKLEY. I hope the Senator will not do that.

Mr. HARRISON. I withhold the suggestion a moment.

Mr. MINTON. I merely desire to show that the Senator from Tennessee was in favor of cloture in 1933, together with some other Senators who are probably opposed to it today.

Mr. HARRISON. I may say that I do not know what it is the Senator wishes to read, but we will divide the time tomorrow, and I am sure that with the Senator's influence and his standing with those who are the proponents of the pending legislation he will be permitted to secure sufficient time to read this matter into the RECORD. I object, if he has asked unanimous consent.

Mr. MINTON. I have not asked unanimous consent.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Does it not require unanimous consent for the Senator from Indiana to put this matter into the RECORD?

The PRESIDING OFFICER. The Senator from Indiana has not asked to have it put into the RECORD; he was merely speaking.

Mr. McKELLAR. He had not been recognized, because I yielded to the Senator from Kentucky to make a motion to go into executive session and then for a recess.

The PRESIDING OFFICER. The Chair is obliged to hold that the Senator from Kentucky still has the floor.

Mr. BARKLEY. I yielded to the Senator from Indiana. I think the matter he wanted to read would probably have been concluded by now if there had been no interruption. I do not know what it is except the names of some Senators who in the past have signed a petition for cloture. I do not know who they were or what the occasion was, and I do not see why there should be any difficulty about it.

Mr. HARRISON. If it is such wonderful information that is to be given, let us have a quorum. I suggest the absence of a quorum.

Mr. SCHWELLENBACH. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHWELLENBACH. The Senator from Kentucky has not yielded to the Senator from Mississippi to suggest the absence of a quorum.

The PRESIDING OFFICER. No; he has not.

Mr. HARRISON. I claim the right. I have the right.

EXECUTIVE SESSION

Mr. BARKLEY. I have the floor, and I do not yield to the Senator from Mississippi or to the Senator from Indiana. I will end the whole controversy. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. DIETERICH, from the Committee on the Judiciary, reported favorably the nomination of Emerich B. Freed, of Ohio, to be United States attorney for the northern district of Ohio, which was ordered to be placed on the Executive Calendar.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the following nominations:

Ernest J. Kruetgen to be postmaster at Chicago, Ill., in place of E. J. Kruetgen; and

Frank J. Clark to be postmaster at Hines, Ill., in place of C. L. Neely. (Appointee not commissioned.)

The PRESIDING OFFICER (Mr. BULKLEY in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports, the clerk will state the nomination on the Executive Calendar passed over at the last executive session.

UNITED STATES ATTORNEY, WESTERN DISTRICT OF TEXAS

The legislative clerk read the nomination of William R. Smith, Jr., to be United States attorney for the western district of Texas.

Mr. CONNALLY. I ask that this nomination go over.

The PRESIDING OFFICER. The nomination will be passed over. The clerk will state the next nomination on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Clinton R. Barry to be United States attorney for the western district of Arkansas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MILLER. Mr. President, I ask unanimous consent that the President be notified of the confirmation of this nomination.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be notified.

The legislative clerk read the nomination of Kinloch Owen to be United States marshal for the northern district of Mississippi.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

RECONSTRUCTION FINANCE CORPORATION

The legislative clerk read the nomination of Jesse H. Jones, of Texas, to be a member of the board of directors.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of C. B. Merriam, of Kansas, to be a member of the board of directors.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Charles B. Henderson, of Nevada, to be a member of the board of directors.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Emil Schram, of Illinois, to be a member of the board of directors.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Howard J. Klossner, of Minnesota, to be a member of the board of directors.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Public Health Service be confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations are confirmed en bloc.

That completes the nominations on the Executive Calendar.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed legislative session.

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

DIXIE REJECTS LYNCHING—ARTICLE BY VIRGINIUS DABNEY

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Virginius Dabney appearing in the Nation for November 27, 1937, and entitled "Dixie Rejects Lynching."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Nation of November 27, 1937]

DIXIE REJECTS LYNCHING (By Virginius Dabney)

A change has come over the South. Congress is almost sure to pass a Federal antilynching bill in the present session, but there is no excitement in Dixie. Twenty years ago the mere thought of such legislation would have caused Southern colonels to tear their mustachios with rage and southerners of lesser rank to implore the Deity to save Dixie for white supremacy and protect the fair name of southern womanhood. Fortunately such hysteria is no longer widely prevalent.

I do not mean to say that the South is anything like a unit in desiring Federal antilynching legislation. There are thousands who resent the impending passage of the Wagner-Van Nuys bill, and who doubtless will do all in their power to nullify its effects after it is on the statute books. At the same time there apparently is a much larger body of southerners who either favor such a law or are willing to give it a trial. The diehards are distinctly in the minority.

If such were not the case, the value of a Federal bill would be doubtful, since the hates and rancors engendered by its passage would probably overbalance the anticipated benefits. All too frequently southern juries, even in the Federal courts, would refuse to convict derelict officers, and Negroes would be subjected to all kinds of persecution and discrimination at the hands of resentful whites. This would mean, in all likelihood, that the Negro's lot would be made worse rather than better. But since so many southerners have awakened at last to the true nature of lynching, the Federal bill is expected not only to pass but to achieve a great reduction in the number of these crimes below the Potomac and the Ohio. There has been a gradual change in the attitude of thoughtful citizens of the South toward such legislation, an attitude largely conditioned by their judgment as to its probable effects. Symbolic of the change is the recent shift in the policy of the Commission on Interracial Cooperation, which includes 130 representative southerners from 13 States and has its headquarters in Atlanta. For years this body refused to endorse Federal antilynching legislation, but in 1935 it gave unanimous approval to the Costigan-Wagner bill and now similarly favors the Wagner-Van Nuys bill.

An incident which must have had enormous influence in swinging many citizens of Dixie over to the view that the time has come to stop playing around the fringes of the lynching problem was the sickening killing of Claude Neal. Taken from an Alabama jail in the autumn of 1934, Neal was carried to Florida and put to death with unspeakable savagery. In earlier days special trains were operated for men and boys who wished to take part in or to witness lynchings which had been announced in advance, but those in charge of the Neal affair carried the process a step further. Fifteen hours' notice was given the Nation in the newspapers and over the radio that Neal was to die. From 4,000 to 7,000 whites, including many children, came by automobile from various nearby States and witnessed his prolonged agony. No one was even arrested.

The Neal affair was convincing evidence to unbiased minds that some Southern States were wholly unwilling to proceed against lynchers. If any further demonstration was needed, it came soon after with the blowtorch barbarity at Duck Hill, Miss. Two Negroes accused of murdering a white storekeeper were taken in broad daylight by an unmasked mob from the custody of three officers and tortured to death with a blowtorch, while hundreds of men, women, and children looked on. The officers failed to recognize anybody in the mob, and no one was arrested.

At least six other persons have been lynched in the South so far this year, and State and local authorities have brought no one to justice for any of these crimes. The cumulative effect has naturally been to demonstrate once more that while a few Southern States are willing to take the steps necessary to eradicate mob murder, the official spokesmen for the others content themselves with pious declarations that they "hate lynching" and vociferous arguments that the States should be permitted to "manage their own affairs."

Southerners who are disgusted with this situation have concluded that lynchings will continue below the Mason and Dixon's line until a Federal law with teeth in it is placed on the books. This opinion is far more prevalent in the South today than it has ever been before. A survey conducted by the Institute of Public Opinion this month showed that 57 percent of all southerners favored such legislation. The validity of this poll might be challenged by skeptics, despite its astonishingly accurate prediction of the extent of Roosevelt's victory at the polls last year, if other evidence did not point to the same conclusion. Most significant is the fact that an increasing number of southern newspapers are advocating a Federal antilynching bill. Although Virginia has a strong law of its own against lynching—there has not been a lynching in the State since the law was passed in 1928—no fewer than eight Virginia dailies are advocating Federal antilynching legislation at the present time. These include the Norfolk Virginian-Pilot, the Richmond News Leader, and the Richmond Times-Dispatch. Other important southern papers taking a similar stand are the Chattanooga Times, the Miami Daily News, the Birmingham Age-Herald, the Greensboro Daily News, the San Antonio Express, the Columbia State, the Louisville Courier-Journal, and the New Orleans Tribune, as well as most of the Scripps-Howard chain, including the Knoxville News-Sentinel, the Birmingham Post, the Houston Press, and the Fort Worth Press. Just as remarkable is the fact that hardly a single leading southern daily is actively fighting the Wagner-Van Nuys bill.

It is also noteworthy that the papers which are urging Federal legislation have had no severe kick-back from their readers. The Richmond Times-Dispatch has carried a dozen editorials and cartoons this year strongly advocating the passage of a Federal bill and has reprinted several dozen editorials and cartoons of similar import from other papers. It has received exactly two letters of protest. To my query concerning the reaction of their readers, editors in Louisville, Greensboro, Miami, Birmingham, New Orleans, and San Antonio have replied that the volume of protest was negligible. What is more, when the Greensboro Daily News attacked Senator JOSIAH BAILEY for his filibuster against the Costigan-Wagner bill in 1935, the blast brought the heaviest batch of laudatory letters to the editor received by the paper in 7 years.

Despite these clear indications, the impression apparently still prevails among southern Congressmen that the South is violently opposed to interference in its affairs by G-men acting under the provisions of a Federal antilynching statute. Almost all the southerners in the House voted against the Gavagan bill when it was passed early this year by a vote of 277 to 119. MAURY MAVERICK, of Texas, who spoke and voted for the bill, reported several weeks later that he had not had a single protest from his district. But, with the exception of Representatives CREAL and ROBSON of Kentucky, and REECE and TAYLOR of Tennessee, the rest of the southern contingent went solidly against the bill. It is apparent that many southern Representatives and Senators are out of touch with the sentiment among their constituents on this issue.

Some southerners who see no objection to the other provisions of the Federal bill dislike the proposal to fine a county or city from \$2,000 to \$10,000 when negligence on the part of local officials is found to have led to a lynching. It is important to note, however, that 22 States now have laws under which fines ranging from \$1,000 to \$10,000 can be imposed on cities or counties where lynchings occur—and the provision has proved effective. The South Carolina law has been on the books since 1896. The minimum fine of \$2,000 was assessed and collected in at least seven counties of the State between 1913 and 1931, and no lynching has occurred in any of the seven since the fine was imposed. Moreover, as James H. Chadbourn points out in his Lynching and

the Law, "the average number of lynchings per year in the State has declined sharply after the infliction of each penalty."

It is possible that the Wagner-Van Nuys bill, if passed, will be pronounced unconstitutional by the Supreme Court. It is also possible that if the measure is upheld by the Court, lynchings will continue on the same scale as before. But that seems unlikely. For the first time the bulk of southern opinion appears to be definitely favorable to Federal antilynching legislation, or at least not disturbed over the prospect of its passage. That fact should assure the public support which in the last analysis must determine the effectiveness of any law.

ANDREW FURUSETH

Mr. KING. Mr. President, one of the outstanding labor leaders of the United States was Andrew Furuseth. He was the organizer of the seamen's union, and for years devoted his energies to promoting the welfare of the seamen of the United States and the establishment of a sound merchant marine. He visited many countries for the purpose of promoting better conditions for seamen and bringing about proper and satisfactory cooperation among those employed upon the ships of the world.

I became acquainted with Mr. Furuseth in 1917, and introduced in the Senate measures sponsored by him calculated to improve the conditions of seamen and strengthen our immigration laws by denying entrance into the United States of persons who claimed to be seamen but who were seeking to evade the laws of the United States.

Mr. Furuseth was a man of character and ability, a patriotic American who devoted his life and his energies to the interests not only of the seamen of the United States but of those who belonged to the ranks of labor generally. He passed away a few days ago, and the funeral services were held day before yesterday.

There were gathered at the services hundreds of men and women who knew Mr. Furuseth in his lifetime and were familiar with his great heart and his great soul, and his important contribution to the cause of labor. Among those present were representatives of the Supreme Court of the United States, the Senate, the House of Representatives, and other branches of the public service. Representatives of the American Federation of Labor, to which Mr. Furuseth belonged, were present to pay tribute to one with whom they had served so many years.

The senior Senator from Wisconsin [Mr. LA FOLLETTE] delivered an address eulogistic of Mr. Furuseth, and as a part of it read a tribute written by his illustrious father, Robert M. La Follette, Sr. I ask unanimous consent that the remarks of the Senator from Wisconsin and the tribute by his illustrious father may be inserted in the RECORD as a part of my remarks.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ADDRESS BY ROBERT M. LA FOLLETTE, JR., AT THE FUNERAL SERVICE OF ANDREW FURUSETH, JANUARY 24, 1938

Andrew Furuseth was one of the truly great men I have known. I first met him as a boy when he enlisted my father in the struggle to make the sailor a free man. From that time until his illness he came every Sunday to our house for breakfast.

I have known many scholars, men with many degrees, but I have never known a man who made greater use of his knowledge than did Andrew Furuseth. To him history was not a study of civilizations which had crumbled into dust, but it was rather an instrument to be utilized in the daily work of life. He had a rare intimacy with the literature of the past and present. He was familiar with law. His interests were not narrow, but as wide as humanity.

He was a living justification of the principle upon which democracy rests. Sprung from the masses, he devoted his great intellect and indomitable courage to the advancement of their cause.

On this occasion I wish to read a tribute written by one who knew him best.

[From La Follette's Magazine, April 1915]

ANDREW FURUSETH AND HIS GREAT WORK

One morning in December 1909, there came into my office in the Capitol Building, a tall, bony, slightly stooped man, with a face bespeaking superior intelligence and lofty character. It was Andrew Furuseth.

He wanted to interest me in the cause of the American sailor. He was a sailor himself, he said, and he wanted to "be free." I did not know what he meant. I questioned him. Surely there were no slaves under the American flag. Bondsmen there were—but Lincoln changed all that. And it had been written in the amended Constitution. "Yes," he said, "but not for the sailor.

All other men are free. But when the amendments were framed, they passed us by. The sailor was forgotten."

I asked him to tell me about it. Sitting on the edge of the chair, his body thrust forward, a great soul speaking through his face, the set purpose of his life shining in his eyes, he told me the story of the sailor's wrongs. He said little of himself, excepting as I drew him on to speak of the long, long struggle of which he was the beginning, and is now finally the end. He spoke with a strong Scandinavian accent, but with remarkable facility of expression, force, and discrimination.

He knew the maritime law of every country; the social condition, the wage level, the economic life of every seafaring nation. He was master of his subject. His mind worked with the precision of a Corliss engine. He was logical, rugged, terse, quaint, and fervid with conviction.

Born in Norway, the call of the sea came to him as a lad of 16. He stood upon the cliffs and looked out upon the infinite. The life of the sailor, like the ocean, must be wide and free. He felt its mysterious spell. He would be a "free seaman," with all the world an open door. New thoughts were stirring him. He sailed away, thrilled with the idea that his was to be a freeman's work.

His dream was shattered early by the hard realities of life before the mast. First in the boats of Norway and later on the decks of the merchant marine of every great maritime nation, he served as a seaman, and everywhere conditions were the same. He found himself a common chattel. He was owned by the master of the ship.

"I saw men abused," he said, "beaten into insensibility. I saw sailors try to escape from brutal masters and from unseaworthy vessels upon which they had been lured to serve. I saw them hunted down and thrown into the ship's hold in chains. I know the bitterness of it all from experience."

He had seen overinsured and undermanned ships go down at sea, with appalling loss of human life, all because greedy owners would not furnish skilled seamen to sail them or provide lifeboats for passengers and crew.

He had witnessed the blighting effects of the world-wide Shipping Trust upon the sea power of the white race. To swell its enormous dividends, he had seen this great monopoly supplant white sailors with the low-wage, cheaply fed orientals until they swarmed the merchant marine of every maritime nation. And he had measured with the judgment of real statesmanship the future peril to Christian civilization as the sea power slowly but surely passes to the oriental races.

He would not submit to slavery. He could not abandon his beloved sea calling. His great spirit asserted itself. He studied the history of the sea. He found that there had been a time when the seamen of the northern countries were freemen; now they were bondmen. He sought the source of it all. He found it in the cruel statutes of privilege, enacted at the behest and for the benefit of the shipowners. These laws made the master of the ship absolute master of the seamen. The wrong to be uprooted was firmly embodied in the law and wrought into the traditions and life of all civilized nations. He had arrayed against him the powerful influence of those who owned the ships and were masters of the sea; behind them was the prejudice and public opinion of the world regarding the status of the seamen.

With unerring judgment, Furuseth selected the United States as his battleground. He wisely chose the Pacific coast as the place to begin the work. There were fewer ports on the Pacific coast. It was easier to organize. The influence of the International Shipping Trust was less potential there than upon the Atlantic coast.

Furuseth did not underestimate the magnitude of the undertaking. He revealed his purpose to the seamen. His task appeared hopeless to the body of the men. Few had faith in success. Their organization was limited in membership. It was limited in means. They could make no appeal to the press. The shipowners were powerful—powerful with commercial bodies, powerful with the newspapers through their advertising, powerful with politicians and public officials through combinations with railroads and allied interests. But Furuseth was undaunted. He believed that there were aspects which if properly presented would enlist the support of broadminded men and women of the United States and of Europe.

Fifteen years before he had brought his cause to Washington. He had lived with it, waking and sleeping. In the corridors of the Capitol, in the committee rooms of Congress, about the hotels and on the streets of Washington, wherever he went, he carried his appeal for freedom. With rare insight he knew when to speak, when to be silent. But his whole personality was articulate with the cry for justice that would not be denied. Beaten again and again, like all leaders who win final victories, he was only stimulated to better fighting by defeat.

In all the years of this historic struggle for human liberty, which finally culminated with President Wilson's signing of the seamen's law, March 4, 1915, Andrew Furuseth was the one man who had the faith, the vision, and the courage necessary to sustain the contest. He launched the movement. He kept it afloat. Every moment of the 21 years he was at the helm. Through legislative storms and calms, over the sunken reefs of privilege, across every treacherous shoal and past all dangers, he held his cause true to its course and brought it safely into port. Yet in all those long, disheartening years he has so effaced himself and lived his cause, that the public has had little opportunity to

know the man. When history forgets many who now fill the public eye, with all who know the story of the sea, he will be a great outstanding figure, from whose life others will gather hope and courage and inspiration to fight on and on to better living conditions and wider freedom.

In these days of electrotypes and halftones, with the newspapers eager to run cuts of anyone who does anything worthy of notice, without reference to the merit of the particular action, with the energetic and persistent press photographers ever alert, it is significant that Andrew Furuseth's face has never been seen in the public prints.

Mr. Furuseth is a keen observer. He saw men exalted above the cause they represented. He saw such men pass, and the cause for which they contended pass with them. And he determined to entirely submerge his personality in his cause. In the execution of that purpose he refused to be photographed, until the seamen's bill should become a law. "La Follette's" counts it a privilege to be first to give his picture to the public.

When Furuseth first came to Washington, the police, inspired by the Pacific coast shipowners, dogged his every move. He had been reported as dangerous, and was represented as an anarchist. Detectives were detailed to shadow him. It was several years before he lived down in the police mind of Washington the slanders of the shipowners, and was permitted to pursue his fight for the seamen, free from espionage.

For a quarter of a century, while he was secretary of the Pacific Coast Seamen's Union and president of the International Seamen's Union, serving them before the California Legislature, before the committee of Congress, and in trips over the world, advising with representative seamen, interviewing shipowners, investigating first hand the economic conditions affecting sea service in the principal ports of the world, he accepted as compensation the scant wage of an able seaman. He lived in sailors' boarding houses with the men of his calling. Whenever possible when he traveled, he shipped before the mast, working his way; otherwise he took steerage passage. Never until appointed by President Wilson as a representative of the United States in 1913 to the London Conference on Safety at Sea, had he traveled as a first-cabin passenger.

In all this service Furuseth has been true to his ideals. There were times when he could have obtained all he sought for the deck sailors, if he would do so at the expense of the fireroom men, or those in other departments of the ship, or if he would accept less adequate provision for the safety of the traveling public. But he refused to barter the interests of one class at the expense of another. Rather than compromise upon a halfway measure, he accepted delay and disappointment, confident of ultimate and complete success.

The present affords no perspective for a proper appreciation of the work of Andrew Furuseth and its far-reaching effect not only upon the lives of the seafaring men of the present and future generation, but also upon the merchant marine of the United States and of northern Europe. For the seamen's law not only brings freedom to American sailors, and a large degree of safety to the traveling public, but it will tend to equalize the cost of operating the merchant vessels of all countries which trade in American ports and aid materially in restoring the merchant marine of our country to the overseas trade.

Furuseth has done a great work. He has not acquired a monopoly of light, heat, or power. He has not endowed false educational foundations with money wrongfully extorted from an over-patient public. But he has won freedom for the American sailor, and made our country an asylum and a refuge for the oppressed seamen of the world. The gratitude of hundreds of thousands of human beings of this and future generations will accredit their liberty to his genius and devotion.

After the bill was signed by the President, in conversation with Furuseth one day, I touched upon his future. "When you can no longer work, what provision have you for old age?" I asked. "How much have you been able to lay up against failing power?" His keen eye mellowed, and a placid contemplative expression smoothed out the seams of his weather-beaten face as he said, "When my work is finished, I hope to be finished. I have no provision against old age, and I shall borrow no fears from time."

ROBERT M. LA FOLLETTE, SR.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 16 minutes p. m.) the Senate took a recess until tomorrow, Thursday, January 27, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 26 (legislative day of January 5), 1938

UNITED STATES ATTORNEY

Clinton R. Barry to be United States attorney for the western district of Arkansas.

UNITED STATES MARSHAL

Kinloch Owen to be United States marshal for the northern district of Mississippi.

RECONSTRUCTION FINANCE CORPORATION

Jesse H. Jones to be a member of the board of directors of the Reconstruction Finance Corporation.

C. B. Merriam to be a member of the board of directors of the Reconstruction Finance Corporation.

Charles B. Henderson to be a member of the board of directors of the Reconstruction Finance Corporation.

Emil Schram to be a member of the board of directors of the Reconstruction Finance Corporation.

Howard J. Klossner to be a member of the board of directors of the Reconstruction Finance Corporation.

UNITED STATES PUBLIC HEALTH SERVICE

John Hughes Chandler to be assistant surgeon.

John A. Lewis, Jr., to be assistant surgeon.

Wightman R. Duke to be assistant surgeon.

Dale C. Cameron to be assistant surgeon.

Charles G. Spicknall to be assistant surgeon.

John R. Heller, Jr., to be passed assistant surgeon.

Charles S. Sample, Jr., to be passed assistant surgeon.

Arthur B. Price to be passed assistant surgeon.

Henry A. Holle to be passed assistant surgeon.

Anthony Donovan to be passed assistant surgeon.

Paul E. Walker to be passed assistant surgeon.

Harry C. Knight to be passed assistant surgeon.

Theodore J. Bauer to be passed assistant surgeon.

Thorburn S. McGowan to be passed assistant surgeon.

Havelock F. Fraser to be passed assistant surgeon.

John W. Kennedy to be passed assistant surgeon.

Wilson T. Sowder to be passed assistant surgeon.

John W. Hornbrook to be passed assistant surgeon.

Roger E. Heering to be passed assistant surgeon.

Seward E. Miller to be passed assistant surgeon.

John E. Dunn to be passed assistant surgeon.

Floyd A. Hawk to be passed assistant surgeon.

Jonathan B. Peebles, Jr., to be passed assistant surgeon.

Edgar W. Moreland to be passed assistant surgeon.

Eugene A. Gillis to be passed assistant surgeon.

William H. W. Komp to be senior sanitary engineer.

Lawrence M. Fisher to be senior sanitary engineer.

Hubert H. Martin to be dental surgeon.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 26, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and Master, may we wait upon Thee with hearts unsealed and with a conscience void of offense toward God and man. Let us feel how poor life is in itself and how glorious it may become when we have been fashioned and made meet for service in Thy kingdom. From all hardness of heart deliver us; unstop our ears that we may hear; clothe us with Thy spirit and fortify us with the zeal of entire consecration to our tasks. Lord God of hosts; look upon the great mass of human suffering that mutely appeals to Thee. Put the star of hope in their skies as Thou didst cause the star to hover above the plains of Bethlehem. In the hill of the Lord, may we have clean hands and pure hearts. Strengthen and inspire us each day with the upward gaze. Through Christ our blessed Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendment of the House to the bill (S. 1077) entitled "An act to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WHEELER, Mr. WAGNER, and Mr. DAVIS to be the conferees on the part of the Senate.

CALENDAR WEDNESDAY

The SPEAKER. Today is Calendar Wednesday. The Clerk will call the committees.

RETIREMENT PAY OF ARMY, NAVY, AND MARINE CORPS OFFICERS

Mr. MAY (when the Committee on Military Affairs was called). Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 8176) providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes.

CALL OF THE HOUSE

Mr. PATMAN. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. MAY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 10]

Allen, Del.	Ditter	Knutson	Phillips
Bates	Drewry, Va.	Kopplemann	Rankin
Bell	Fitzpatrick	Kramer	Richards
Blermann	Flaherty	Kvale	Rigney
Boylan, N. Y.	Fulmer	Lord	Robison, Ky.
Buckley, N. Y.	Gamble, N. Y.	McSweeney	Ryan
Bulwinkle	Gavagan	Magnuson	Sabath
Burch	Hancock, N. Y.	Mead	Schuetz
Byrne	Hancock, N. C.	Mitchell, Ill.	Smith, Maine
Cannon, Wis.	Hennings	Mouton	Somers, N. Y.
Carlson	Hobbs	Nichols	Sullivan
Carter	Hoffman	Norton	Taylor, Colo.
Celler	Holmes	O'Brien, Mich.	Taylor, S. C.
Chapman	Hook	O'Connor, Mont.	Tobey
Citron	Houston	O'Toole	Transue
Claypool	Jarrett	Owen	Wearin
Cole, Md.	Johnson, L. B.	Parsons	Wene
Cooley	Johnson, Okla.	Patton	Whelchel
Costello	Keller	Peterson, Fla.	Wood
Crowther	Kelly, N. Y.	Peterson, Ga.	
Deen	Kirwan	Pettengill	
Delaney	Kniffin	Pfeifer	

The SPEAKER. Three hundred and forty-four Members have answered to their names, a quorum.

On motion of Mr. MAY, further proceedings under the call were dispensed with.

ELECTION TO COMMITTEE

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution, as follows:

House Resolution 410

Resolved, That WILLIAM R. POAGE, of Texas, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Claims.

The resolution was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1939

Mr. COLLINS, from the Committee on Appropriations, reported the bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes (Rept. No. 1721), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. WIGGLESWORTH reserved all points of order on the bill.

PERMISSION TO ADDRESS THE HOUSE

Mr. GREEN. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of matters on the Speaker's table and following the legislative program of the day, I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

EXTENSION OF REMARKS

Mr. KENNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a reso-

lution by the Conference of State and Provincial Health Authorities of North America.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OF THE FEDERAL TRADE COMMISSION ACT

Mr. LEA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. LEA, CHAPMAN, PEARSON, WOLVERTON, and REECE of Tennessee.

RETIREMENT PAY OF ARMY, NAVY, AND MARINE CORPS OFFICERS

The SPEAKER. The chairman of the Committee on Military Affairs has called up a bill, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. PATMAN. Mr. Speaker, I make the point of order against the consideration of the bill (H. R. 8176) that the bill was not referred to the proper committee, the proper committee being the Committee on World War Veterans' Legislation. Instead, the bill was referred to the Committee on Military Affairs, and a report has been made by that committee.

In support of the point of order it is necessary I give just a little of the history of this legislation. In March 1928 the Committee on World War Veterans' Legislation by a vote of 8 to 7 voted in favor of the retired emergency officers' bill. This bill passed the House on May 24, 1928, I believe, and was enacted into law before the first of June. This law provides for the retirement of emergency officers according to their rank and all amendments to this law should be referred back to the committee which passed on the original bill.

I invite the attention of the Chair to the fact that even an amendment to the Clayton Act, which involves interstate commerce alone, is invariably referred to the Committee on the Judiciary, although one would think it would go to the Committee on Interstate and Foreign Commerce, for the reason the House Committee on the Judiciary is the committee which originally considered the Clayton Act. This same principle is involved here. I do not know the reasons the authors of the bill give for the bill being referred to the Committee on Military Affairs, but, having been a Member of the Committee on World War Veterans' Legislation for a number of years prior to last year, I know those who are supporting the bill, and they have an organized group supporting and lobbying for it here in Congress, could not get a favorable report from the Committee on World War Veterans' Legislation. Therefore, they wrote the bill in such a way, or in some way managed to get it referred for the first time in 1936 to an entirely different committee which had nothing to do with passing the law in 1928 and nothing to do with passing on the original bill.

The chairman of the Committee on World War Veterans' Legislation, the gentleman from Mississippi [Mr. RANKIN], is ill and unable to be here. There is pending before the gentleman's committee at this time a bill for the outright repeal of this law, and I understand the committee expects to have hearings on it. The author of the bill to repeal the law outright is the gentleman from Alabama [Mr. HOBBS], who is in Alabama today on account of the serious illness of his mother, and cannot be here. Certainly for these reasons the bill should not be brought up for consideration at this time. I will not urge my point of order if the chairman of the committee will agree to postpone the consideration of the bill until the chairman of the Committee on World War Veterans' Legislation can be here. Since the gentleman from Mississippi was on the committee which passed on the original bill, since the bill should have gone to his committee,

and since his committee is now considering the repeal of the law, certainly he and his committee should be given some consideration on this matter.

Mr. MAY. Mr. Speaker, I should like to give to the distinguished chairman of the Committee on World War Veterans' Legislation any consideration to which he would be entitled under the ordinary procedure of the House, but I make the point of order at this time against the point of order of the gentleman from Texas that it comes too late, because the committee to which the bill was referred has already had hearings on the bill and made its report.

The SPEAKER. The gentleman from Kentucky, the chairman of the committee reporting the bill, makes the point of order against the point of order made by the gentleman from Texas that the point of order comes too late, inasmuch as the committee to which the bill was referred has already made its report to the House and the bill is now pending on the calendar.

Does the gentleman from Texas desire to be heard on the point of order?

Mr. PATMAN. Yes; Mr. Speaker, I desire to be heard.

This is the first opportunity that a Member of the House who is not a member of the Committee on Military Affairs has had to make a point of order. It is true that if I had been on the committee I could have made the point before the committee and could have urged the committee not to consider it because it was not properly referred there and the gentleman knows he should not have considered it under the rules of this House, but they went ahead and considered it anyway, and this is the first time I have had an opportunity to urge a point of order against its consideration, today, when the bill is called up for consideration, and for that reason I believe the point of order of the gentleman from Kentucky [Mr. MAY] should be overruled.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield for a question?

Mr. PATMAN. If the Chair will permit.

The SPEAKER. Yes.

Mr. ANDREWS. Will the gentleman from Texas inform the House whether or not he is opposed to the provisions of the bill?

Mr. PATMAN. I am opposed to the bill. Is the gentleman from New York opposed to it?

Mr. ANDREWS. I am not.

Mr. PATMAN. Then, I hope the gentleman will let me have the minority time, because the gentleman is the ranking member of the minority on the Committee on Military Affairs, and since he is in favor of it I hope he will let somebody who is opposed to the bill have control of the time.

The SPEAKER. The Chair is ready to rule on the parliamentary situation.

Mr. DIES rose.

The SPEAKER. Does the gentleman from Texas desire to be heard on the point of order?

Mr. DIES. I want to ask the gentleman from Texas a question.

The SPEAKER. On the point of order?

Mr. DIES. What I want to ask the gentleman is this—

The SPEAKER. Is the question on the point of order?

Mr. DIES. No, Mr. Speaker.

The SPEAKER. The Chair is prepared to rule on the point of order.

The gentleman from Texas [Mr. PATMAN] raises the point of order against consideration of the bill, that it was not referred under the rules of the House to the Committee on World War Veterans' Legislation, to which, according to his contention, it should have originally been referred.

Pending that question the gentleman from Kentucky [Mr. MAY], the chairman of the Committee on Military Affairs, raises the point of order that the point of order made by the gentleman from Texas comes too late.

In view of that issue being raised the Chair feels it is his duty primarily to dispose of that question, because a disposition of that question, possibly, might settle the original point of order raised by the gentleman from Texas.

This is not a matter of first impression, the Chair will state, as there have been a number of decisions and precedents upon this particular question. The Chair refers especially to a decision made by Mr. Speaker Longworth, as reported in volume 7 of Cannon's Precedents of the House of Representatives, section 2113:

After a public bill has been reported—

Which, of course, means after it has been reported by a committee of the House—

it is not in order to raise a question of committee jurisdiction.

The Speaker said:

"The Chair recalls when this bill was before him for reference that he examined into the matter and it was quite clear that the reference was correct, in view of the fact this is an amendment of the Federal Reserve Act, and under the rules the Committee on Banking and Currency has jurisdiction of questions arising under the Federal Reserve Act; but whether that be true or not, the point of order is evidently made too late. The precedents are uniform that after a public bill has been reported, it is too late to raise the point of order as to the jurisdiction of the committee."

Mr. PATMAN. I have a further point of order, Mr. Speaker.

The SPEAKER. The Chair thinks it proper, however, in reply to the suggestion made by the gentleman from Texas that this is the first opportunity he has had to raise this point of order, to state that under the rules the chairman of a committee seeking jurisdiction, or any other Member of the House, has the privilege, after bills are introduced and referred, to raise the question of jurisdiction by proceeding under clause 3 of rule XXII.

For the reasons stated and in view of the precedents which to the Chair seem to be well reasoned, the Chair sustains the point of order made by the gentleman from Kentucky that the point of order made by the gentleman from Texas comes too late.

Mr. PATMAN. Mr. Speaker, I have a further point of order.

The SPEAKER. The gentleman will state it.

Mr. PATMAN. That is, that the Ramseyer rule is not complied with in the report of the committee in reporting the bill. Section 3 of the bill undertakes to amend existing law. The Ramseyer rule requires that a committee report shall disclose where there is an effort made specifically to change existing law and shall set out in parallel columns or in some way make it clear and plain to the Members of the House just exactly how the proposed amendment will affect existing law. I know that rule does not require any particular method to be used. I am aware of the fact that in the committee's report, although the committee's report says nothing about this amendment—that is, it is not set out specifically in italics, brackets, or otherwise—but in the letter from General Hines to the Honorable LISTER HILL, commencing on page 4 of the report, there is mention, on page 5 of the report, in that letter, that a certain amendment is proposed, but it does not say that that is the only amendment in that particular section. I do not know; I am unable to find out whether or not that is all or just a part that General Hines happens to be discussing. He does not say that is the only way that section is amended. He is just saying that it is amended to that extent. I submit that is not a compliance with the letter and spirit of the Ramseyer rule, which is part of the parliamentary rules of this House, and I make the point of order against the report on that ground.

The SPEAKER. The Chair is prepared to rule on the point of order. The gentleman from Texas makes the point of order that the report of the committee does not conform to the provisions of the Ramseyer rule, which was adopted January 28, 1929. That rule provides as follows:

Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall include in its report or in an accompanying document—

(1) The text of the statute or part thereof which is proposed to be repealed; and

(2) A comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and

italics, parallel columns, or other appropriate typographical devices the omissions and insertions proposed to be made.

The Chair thinks it proper to state that when this rule was adopted the Chair was a member of the Committee on Rules, and the Chair very well recalls the arguments made in support of the rule. Those arguments in brief were that when an amendment to an existing statute was proposed for consideration on the floor of the House, all Members should have a fair and reasonable opportunity to know exactly what the proposed amendments to existing law were, and, therefore, this rule was provided.

With reference to the particular point of order made by the gentleman from Texas, the Chair has examined with some care the report of the committee which accompanies this bill, and, indeed, the gentleman from Texas has referred to the matter occurring in the letter on page 4 of the report, the letter from General Hines to the then chairman of the Military Affairs Committee, in which upon page 5 of the report in subsection (b) of section 212, there is set out in italics the only amendment to the existing law that is proposed in the bill, as the Chair understands it. The Chair is of opinion that if the rule itself had not provided that those changes might be incorporated in the report by citing an accompanying document, very probably the point of order made by the gentleman from Texas would be good, but the Chair feels, upon examination of this matter, inasmuch as the only amendment to existing law is set out in italics in an accompanying document to the report of the committee, that a substantial compliance with the rule has been made.

Mr. PATMAN. May I be heard further in regard to that?

The SPEAKER. Certainly.

Mr. PATMAN. I invite the attention of the Speaker to the letter of General Hines which is dated November 11, 1937, and to the report of the committee which is dated December 6, 1937. In order for the Speaker to hold that is a substantial compliance with the rule, I presume that would require Members of Congress to believe that General Hines was correct. In other words, possibly the bill was changed. We do not know. Perhaps they have included something else. Considerable time elapsed between November 11 and December 6, the time this report was made, and possibly General Hines was correct—I presume that he was—when he wrote this letter, but may we presume now that no changes were made. General Hines makes no statement. Further, I invite the Speaker's attention to the fact that something like that can happen. Changes were made after this letter was written by General Hines. On November 11, 1937, the committee made actual changes in the bill. It added an amendment to section 2.

The SPEAKER. Does the gentleman contend that there are any other amendments to existing law in the bill than those that appear in italics in the report?

Mr. PATMAN. I do not know. I am frank to tell the Speaker that I have not checked it, and I do not think I should be required to rely on General Hines, who wrote a letter practically a month before the bill was reported. And when I do know that after General Hines wrote that letter the committee did make changes in the bill. I do know that, and the committee knows it and will not deny it.

The SPEAKER. Were those changes made by committee amendments, the Chair will ask the gentleman from Texas?

Mr. PATMAN. In sections 1 and 2 the changes were made after General Hines wrote this letter. I do not think the Members of the House should be required to presume that a letter written a month before a bill was reported, written by someone not connected with the Congress, should in any way be binding upon the Members of this House.

The SPEAKER. If the gentleman from Texas can cite the Chair to any other changes in existing law that are covered by this bill, the Chair would be inclined to reconsider its decision.

Mr. PATMAN. At the end of section 2, on page 2 of the bill, there is a sentence:

No beneficiary under this act shall receive any retirement pay for any period prior to the date of this act.

That was placed in the bill after General Hines wrote this letter.

The SPEAKER. But the Chair will state that the Ramseyer rule does not apply to committee amendments.

Mr. PATMAN. I am not suggesting it for that reason.

The SPEAKER. The Chair is not inclined to argue this matter with the gentleman from Texas. The Chair understands that section 3 of the bill is the only matter that involves any change in existing law.

Mr. PATMAN. I am citing these amendments in sections 1 and 2 as evidence of the fact that General Hines' letter should not be binding. We should not be required to rely upon a document prepared a month before the bill was reported to the House; and I offer in support of that the fact that changes were actually made in that bill after General Hines wrote this letter. I cite these changes in sections 1 and 2 made by the committee. We do not know whether they made changes in section 3 or not. General Hines' letter itself does not specifically say that is the only change in existing law; it does not say that. I invite the Speaker's attention to it. General Hines' statement does not say that that is the only change in existing law, he just infers it. Shall we be required to presume it?

The retired emergency officers' bill was passed by Congress in May 1928. The bill was referred to the Committee on World War Veterans' Legislation in the House. It was reported out of this committee on March 26, 1928, by a vote of 8 to 7. In a minority report filed by the Honorable Bird J. Vincent and the Honorable J. E. RANKIN, it is stated:

Those of us, who are opposed to it, were again denied hearings on the proposition, and for that reason are unable to give the Members of the House the benefit of the information to which they are entitled.

We are inserting a list of the beneficiaries of this discriminatory piece of legislation, which we ask Members to read and check up on before you vote to bind your country to the violent and unjust discrimination against the rank and file of the enlisted men of the World War, which this piece of legislation proposes, by granting pensions of from \$93 a month to \$375 a month to men many of whom are now drawing salaries from the Federal Government all the way up to \$10,000 a year—and possibly more.

First, we insert the minority views of the members of the World War Veterans' Committee in the Sixty-eighth Congress, to which we respectfully invite your attention. It is marked "Exhibit A."

After that, a list of the beneficiaries of this bill, now employed by Veterans' Bureau showing the ranks, present salaries, extent of disabilities, amount of their monthly compensation, and the amount of the monthly compensation which they would receive under this bill, marked "Exhibit B."

Next a list of all the beneficiaries, by States, giving their names, addresses, occupations, dates of birth, extent of disability, monthly compensation now paid by the Government, and the proposed monthly payment under the Tyson-Fitzgerald bill, marked "Exhibit C."

Read it; check up on it. If every ex-service man in the country knew what this bill means, there would be such a storm of protest against it that it would not stand the slightest chance of passage. Respectfully submitted.

BIRD J. VINCENT.
J. E. RANKIN.

This report is No. 1082, part 2, and accompanies Senate 777. Exhibit A of the report is as follows:

EXHIBIT A

MINORITY VIEWS—SIXTY-EIGHTH CONGRESS

This is known as the World War emergency officers' retirement bill. If it should become a law it would most unjustly discriminate against all disabled enlisted men and a large part of the disabled emergency officers in favor of a certain class comprising a limited number of disabled emergency officers. It would reward men not according to their disability but according to their rank, thereby violating the very fundamental principles of our American institutions.

For instance, an officer who incurred a physical disability in line of duty and has been "or may hereafter be" rated at not less than 30 percent permanent disability shall be placed upon the retired list at 75 percent of the salary to which he was entitled at the time of his discharge. What does this mean? It means that an emergency officer with a 30-percent disability which originated in line of duty shall receive pay for life as follows:

	Per month
Brigadier general.....	\$375.00
Colonel.....	250.00
Lieutenant colonel.....	218.75
Major.....	187.50
Captain.....	150.00
First lieutenant.....	125.00
Second lieutenant.....	93.75

While the enlisted man with a 30-percent disability will receive \$30 a month.

Yet they tell us that the ex-service men are in favor of this measure. This is not true. If every ex-service man in the United States understood what this bill means, we doubt if it would receive the endorsement of 1 service man out of 10.

It even discriminates against an overwhelming majority of the disabled emergency officers themselves. Those who are rated at less than 30 percent permanently disabled are excluded from a participation in the financial benefits of this measure. They are to receive the same pay as enlisted men with similar disabilities. If a colonel and his enlisted brother were both 30-percent permanently disabled, the colonel would receive \$250 a month, while the enlisted man would receive only \$30 a month. But if they were both 29-percent permanently disabled they would both receive the same compensation, \$29 a month.

Not only that, but it discriminates against the sacred dead, who "gave the last full measure of devotion" upon the field of battle or have died since the war closed; their loved ones who were dependent upon them for support would not receive one dollar's worth of benefit from this unjust legislation. The widows and children of officers who gave their lives in the conflict or who have died since the war closed would draw compensation on the basis of allowances for the dependents of enlisted men.

The disabled emergency officers are being taken care of now along with the enlisted men. They served together, they fought together, they were frequently members of the same families, and where they suffered the same disabilities, they should receive the same treatment.

But the advocates of this bill argue that those disabled emergency officers are discriminated against in the retirement of officers of the Regular Army, and ask Congress to pass this measure to favor 1,848 of these emergency officers and to discriminate against 41,496 enlisted men who are disabled to the same degree and 6,618 disabled emergency officers and 171,580 disabled enlisted men whose disabilities are rated at less than 30 percent in order to correct what they consider discrimination and in favor of the officers of the Regular Army.

We are not responsible for the present law providing for the retirement of officers of the Regular Establishment. But if we were, and were willing to concede that there is an injustice in the present law, we would not be justified in trying to offset it by passing additional unjust legislation.

We must remember that officers of the Regular Establishment go into the Army for life. They make it their life's work; and in order to secure the class of men necessary to maintain the proper officer personnel in times of peace we must make some provision for taking care of them in case they become disabled.

As was said by a former Secretary of War:

"The privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to its military service and the volunteering for life for such service in any exigencies that may arise, whether in peace or war. The military relation requires the officer to give up ambitions, which are the rightful portion of every man in the great world outside, and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands; and the law has said that when he serves a prescribed period of time or has reached a certain age or is disabled by injury or disease incident to the service he must withdraw from active service and give way to a younger man better fitted for the rigors of military life. As the officer has not been trained for a business career or for any career in civil life, he finds himself at the end of his service, certainly in the vast majority of cases, not only without a profession but without a competency."

He also calls attention to the fact that—

"Congress has thus far restricted the privilege of retirement to members of the permanent Military Establishment; that is, to those only who have consecrated their lives to the military service. This is true not alone of the officers but of the enlisted man, who may retire only when he has served a sufficient time to indicate that he has adopted the military service as a life career. To those who have thus pledged their services for life to the Nation, in peace or in war, Congress, as a matter of keeping faith with them, has provided by law that they shall be secure in their calling throughout their lives, and when they have performed what is deemed a life service shall be relieved of some of the active duties of service and be permitted a living pay for the remainder of their lives. This basic principle of our retirement laws is recognized in an opinion rendered June 10, 1893, by Solicitor General Richards and had the approval of Attorney General Griggs. In discussing the applicability of laws relating to the Regular Army to the then existing volunteer forces, the Solicitor General said:

"Chapter 2 of title XIV, providing for the retirement of Army officers, clearly has no application to the Volunteer Army, organized for simply temporary service. This chapter creates two lists of Regular Army officers—the active and the retired list—a distinction which does not obtain in the Volunteer Army. When, therefore, section 1222 places a restriction on every 'Army officer on the active list,' it plainly refers to Regular Army officers. An Army officer on the active list is one not only active but permanently engaged in the military service of the Government. Having chosen the Army for his career, and being actively engaged therein, the statute properly prohibits him from accepting or exercising the functions of a civil office.

"While an officer of the Volunteer Army may be said to be actively engaged in the military service, he is not permanently so

engaged. He is called out to meet an emergency, and must be discharged when the purpose for which he entered the service has been accomplished. Unlike the Regular Army officer, he has not selected the military service for a profession. He has simply responded to a patriotic call, and expects when the war is over to return to civil life. His term of military service is uncertain and contingent. He may be taken from his civil duties for a few months, for a year, for 2 years at the most. The Government does not need nor demand a complete and final severance of his relations with civil life. He may be able to make arrangements to bridge over his absence and on his return resume his former work."

This is not a new proposition. The Adjutant General stated in a letter to a Member of Congress on February 25, 1926, that—

"Many bills have been introduced in both Houses of Congress at different times authorizing the appointment on the retired list of the Army of those officers who served in the Volunteer Army of the Civil War, but none of them has ever been enacted into law."

Congress refused for 50 years and more to pass a law that would thus discriminate between the officers and enlisted men of the Civil War. On May 9, 1917, Hon. Newton D. Baker, then Secretary of War, in a letter to the chairman of the Military Affairs Committee with reference to such a measure, made the following prophetic statement:

"Furthermore, if the bill under consideration were to be enacted into law for the benefit of men who served as Volunteer officers of the Civil War, it is reasonably certain that it would be followed by other measures for the benefit of Volunteer officers of the War with Spain, of officers belonging to the National Guard who have rendered or are now rendering active Federal service, and of officers of the present war not belonging to the permanent Military Establishment. It would seem that the precedent established by the enactment of such legislation for the benefit of Volunteer officers of one war should, in common fairness, be followed in time by similar legislation for the benefit of Volunteer officers of all wars. It can be readily seen that the expense involved in any such legislation would be enormous."

The additional expense of this bill for the first year would be \$1,190,052. As time goes on the expense will grow. Men will be asking to have their cases reopened and their disabilities readjudged.

Those whose disabilities shall have increased to 30 percent will be entitled to be placed on the pension roll along with the others. And we had just as well admit that this is a permanent pension that we are being asked to allow to these disabled emergency officers. The chances are that we will soon be asked to reduce the degree of disability to 20 percent, then to 10 percent, and finally to wipe it out altogether, and to ultimately place the ex-officers on a pension status as officers instead of leaving them to be treated in the same manner as enlisted men. The enlisted men outnumber the officers overwhelmingly, and already some of them are asking that they be given the benefits of this retirement act in case it passes, and that they be retired as second lieutenants. Suppose pressure should be brought to bear upon Congress later to wipe out some of the discriminations of this measure by giving the enlisted men the retirement or pension status of second lieutenant. Ultimately the percentage requirement as to their disabilities would disappear. Who can tell what the ultimate expense to this Government such a pension policy would bring?

This bill is just the opening wedge. It is lifting the latch to the floodgates of expenditure, the consequences of which no one can foretell.

We regret very much that we are unable to agree with the majority of the committee that reported this bill out. But in justice to the enlisted men, who are just as patriotic and just as deserving as the officers; in justice to the many thousands of disabled emergency officers, whose disabilities are rated at less than 30 percent; in justice to the widows and orphans of those who made the supreme sacrifice; in justice to the taxpayers of the United States, on whose shoulders the burden of these expenditures would rest, we respectfully dissent from the views of the majority and submit that this bill ought not to become a law.

J. E. RANKIN.
BIRD J. VINCENT.
J. L. MILLIGAN.
S. J. MONTGOMERY.

I am not inserting Exhibit C, which discloses the names of the beneficiaries under this bill. A list of these beneficiaries may be found in the bound volume of the CONGRESSIONAL RECORD for April 10, 1930, commencing at page 6862, in the remarks of the Honorable JOHN E. RANKIN, who is now chairman of the Veterans' Committee. This list discloses the names of the employees of the Veterans' Bureau who are on this list and the amount of salary drawn; also the amount of retirement pay that they draw under this bill. The list also includes by States, the names of the beneficiaries and the amount drawn by each.

The World War Veterans' Legislation Committee has at this time a list of all the present beneficiaries of this act.

House Document No. 269, Seventy-third Congress, second session, contains a revised list of emergency officers retired with pay, arranged by State of residence, showing accrued

amount, and amount of first check paid under the act of May 24, 1928, and the basic monthly payment.

House Document No. 802, Seventy-first Congress, third session, contains a list of the names of emergency officers retired, employed, and those not employed by the Veterans' Bureau as of date March 3, 1931.

Public, No. 2, known as the Economy Act, which was passed in March 1933, has eliminated all but about 2,000 of these beneficiaries. In other words, about 4,000 have been stricken off the list.

PRESIDENT NOW HAS POWER TO GRANT RELIEF PROPOSED IN H. R. 8176

It is claimed that H. R. 8176 should become a law because it will permit a reasonable interpretation of Public, No. 2, and reestablish on the rolls a number of those who have been stricken off because they could not show the type of service connection required under Public No. 2. In answer to this, however, it may be said that the President of the United States has the power now to grant the relief by Executive order that H. R. 8176 would grant. The President, however, is certainly not in sympathy with the proposal or he would grant the relief himself.

On June 16, 1934, 39 United States Senators petitioned the President of the United States to grant this relief, but the President has refused to do so. A copy of the letter addressed to the President by the 39 United States Senators and hearings before a Senate committee are contained in a booklet printed for the use of the Committee on Finance in the Senate, dated April 16, 1937, when the Committee was considering S. 423, H. R. 5331, and H. R. 5478, which were bills to amend the Retired Emergency Officers Act.

BILL UNFAIR TO ENLISTED MEN

Two wrongs do not make a right. It is contended that because 2,000 are on the list now that the law should be liberalized to include a few thousand more. If the law was based upon the right principle in the beginning, that argument would be unanswerable, but to my mind, it is absolutely wrong to give a colonel \$250 a month, or a general \$416 a month for a disability that a soldier who serves in the ranks receives \$30 a month for.

Exhibit A of the minority views of the Veterans' Committee in the Sixty-eighth Congress discloses many good reasons why such a proposal should not be enacted into law.

PENSION BASED UPON RANK

When this bill was before the House of Representatives in 1928, the author of the bill, Congressman Fitzgerald, admitted to Congressman RANKIN, of Mississippi, that it provided for a pension based on rank. To my mind, such a proposal violates every principle of democracy. After this law was passed in 1928, a movement was soon definitely on foot in favor of pensioning the widows of these officers in the same proportion, and permitting them to draw compensation from the Government according to the rank that their deceased husbands held during their military service.

There was little difference in the pay during the war between what an officer received and what an enlisted man received, in view of the fact that the officer was compelled to furnish his clothing and certain equipment, and required to incur many other expenses that were not incurred by enlisted men.

The point is, if you attempt to remove what is pointed to as a discrimination between Regular Army officers and emergency officers during the World War by giving the emergency officers retirement pay the same as Regulars you create a great discrimination between the retired emergency officers and the enlisted men who served with them.

It is reasonable that officers who have selected the Army as their life's work, and who are not trained for a business occupation, should be retired with pay in the event they are disqualified from doing this work by reason of a service-connected physical disability because they are not trained for a business career, and not qualified to go out into civilian life and earn a livelihood in view of their limited training and physical inability. In the case of the emergency officers, however, they did not go into the Army for life; they only went into the Army for the emergency just like the

enlisted men went into the Army for the emergency. If the emergency officer is disabled 30 percent and he is a doctor, a lawyer, as most of them are, he is not necessarily disqualified from engaging in his life's work, that of law, medicine, engineering, or whatever his profession happens to be. I was told of a case the other day where a lawyer who represents one of the large railway systems of the country receives \$50,000 a year annual pay from this railroad company as its attorney, and yet he receives, or did receive, \$375 a month as a retired emergency officer for the same disability that a private received only \$30 a month for.

BAD PRINCIPLE ENACTED INTO LAW

The truth is, a bad principle was inadvertently enacted into law. The question is, Shall we enlarge upon this bad principle, but precedent, and a wholly wrong theory, or shall we vote against it? It will be recalled that tens of thousands of veterans were receiving disability-allowance pay—\$12, \$18, and \$24 a month—prior to the passage of the Economy Act of 1933. The thousands of retired emergency officers who will get back on the rolls if this bill becomes a law were stricken off at the same time the disability allowance cases were stricken off. Can we justify amending the economy act by first restoring those who were drawing compensation based upon rank and who will receive from \$106 a month to \$416 a month and ignore the \$12-, \$18-, and \$24-a-month veterans?

It is not right to pay emergency soldiers or officers a pension based upon the rank that they held during this service. It is fundamentally wrong. If seven men entered the service at the same time during the World War and they had the same training, went overseas on the same ship, fought in the same battles, and were injured in exactly the same way, which incapacitated them to the extent of 30 percent, under the retired emergency officer theory the one who was a private would receive \$30 a month for life, the one who was a second lieutenant would receive \$106.25 a month for life, the one who was a first lieutenant would receive \$125 a month for life, the major \$187.50 a month for life, the colonel \$250 a month for life, the brigadier general \$375 a month for life, and the general \$416 a month for life. It occurs to me if a private loses an arm and a major loses an arm and each is disabled the same way the private is entitled to just as much pay per month for life as the major, presuming that both entered the service for the emergency.

This bill should never come up again; it cannot be justified, and no one can successfully defend it.

The SPEAKER. The Chair will state—and this is the final statement of the Chair upon this matter—that the Chair has examined the bill with considerable care. The Chair feels justified in saying that section 3 of the bill is, as a matter of fact, the only specific change in existing law proposed by the bill.

The Chair, therefore, overrules the point of order made by the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, I raise the question of consideration of the bill on Calendar Wednesday.

The SPEAKER. The question now is, Shall the House consider the bill?

The question was taken; and on a division (demanded by Mr. MAY) there were—ayes 82, noes 114.

So the House refused to consider the bill.

The SPEAKER. Has the gentleman from Kentucky any other bills to call up?

Mr. MAY. Mr. Speaker, the Committee on Military Affairs has no other bills they desire to call up today.

Mr. FISH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York will state it.

Mr. FISH. My inquiry goes to the question of jurisdiction. If a bill is sent to a committee and hearings are held on the bill but no report is made, would it be in order to raise the question of jurisdiction before a report is made?

The SPEAKER. The Chair, in order further to clarify the point of order raised by the gentleman from Texas, and in reply to the parliamentary inquiry of the gentleman

from New York, thinks it important at this juncture to read the rule respecting jurisdiction. Section 3 of rule XXII, provides as follows:

All other bills—

Which means public bills—

memorials, and resolutions may, in like manner, be delivered, endorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the House, without debate, in accordance with rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on report of the committee to which the bill has been erroneously referred.

The Chair is of the opinion that the reading of the rule itself answers the inquiry of the gentleman from New York.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend and revise the remarks I made and to insert therein certain excerpts from committee hearings, CONGRESSIONAL RECORD, and other documents in explanation thereof.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a short statement from a London paper.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Clerk will call the committees.

FIXING OF ANNUAL COMPENSATION OF FOURTH-CLASS POSTMASTERS

Mr. ROMJUE (when the Committee on Post Offices and Post Roads was called). Mr. Speaker, I am directed by the Committee on Post Offices and Post Roads to call up the bill H. R. 2890, fixing annual compensation for postmasters of the fourth class.

The Clerk read the title of the bill.

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. TABER. Mr. Speaker, I object.

The SPEAKER. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Mr. TABER. Mr. Speaker, I make a point of order against this bill on the ground the report from the committee does not comply with the Ramseyer rule, in that it does not state clearly so that anyone may see the difference between existing law and what the bill proposes.

The SPEAKER. The Chair understands the gentleman from New York to raise the point of order that the bill does not conform to the Ramseyer rule?

Mr. TABER. That is correct.

The SPEAKER. The Chair is ready to rule.

The Chair has examined the bill and report of the Committee and finds that in the report of the Committee, for the information of the Members of the House the existing law governing the compensation of fourth-class postmasters is reported below. The bill as reported does not specifically amend existing law. Therefore the Chair overrules the point of order.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2890, fixing annual compensation for postmasters of the fourth class, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Missouri is recognized for 1 hour.

Mr. ROMJUE. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I call the attention of the Committee to the fact that for at least 10 years the Post Office Committee has worked diligently trying to solve this problem which deals with the pay or salaries of fourth-class postmasters. The Honorable Clyde Kelly, now deceased, was a very faithful and hard-working Member and rendered a valuable service along this line, as well as our present distinguished chairman, the gentleman from New York [Mr. MEAD].

Under the present law, the pay of fourth-class postmasters is fixed upon a cancellation basis. Some 2 years ago we had a bill providing for a minimum salary of \$300 for fourth-class postmasters. However, since that time we have received figures on the cost to the Government, so far as fourth-class offices are concerned, and we find that the provisions of that bill were considered by the Post Office Department and others too high.

During the last regular session of Congress this bill was taken up and amended to establish a salary for each fourth-class postmaster. The salaries established by this bill will save the Government something over \$400,000. In other words, the Government under this bill will pay out something over \$400,000 less than it now pays. On the side of economy, that is a considerable saving. In addition to that, there will be a lot of governmental expense saved by this bill in the way of prosecutions.

Some 2 years ago I believe there were 5,000 cases among fourth-class postmasters throughout the United States who were charged with violation of the law in regard to false cancellation of stamps and improper bookkeeping methods. Some of these were cases of innocent mistakes and some were cases of wrongful acts. This is an important matter and has not been figured in the saving which I have already announced to the committee. Many of those cases, of course, were prosecuted and it cost the Government a great deal of money to conduct an investigation by the postal inspectors, the court processes, and the prosecution of these cases. A vast amount of money will be saved in addition to the saving I have already explained.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. If this bill becomes law, will the postmasters be required to furnish quarters, light, and heat?

Mr. ROMJUE. No. The postmasters are allowed 15 percent for heat, light, and water, perhaps, which remains the same.

Mr. TAYLOR of Tennessee. It remains the same under this bill?

Mr. ROMJUE. Yes.

Mr. TAYLOR of Tennessee. He is paid this salary in addition?

Mr. ROMJUE. He is paid this salary. He is allowed the same as he is now for the furnishing of those items.

Mr. DONDERO. Will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Michigan.

Mr. DONDERO. I am thinking of the little post offices in the out-of-the-way places throughout the country. Will the salaries of those postmasters be increased or decreased by fixing these minimum wages or this amount of annual salary?

Mr. ROMJUE. That depends, of course, upon the returns of the post office. The gentleman understands that under the present law they are based largely on cancellations.

Mr. DONDERO. Of stamps?

Mr. ROMJUE. Yes. Some offices will get a little more and some a little less.

Mr. DONDERO. This is to make the practice uniform throughout the country?

Mr. ROMJUE. As nearly so as we think it can be done. It is most satisfactory to the postmasters themselves for the reason that it saves a lot of accounting.

It saves the Government a lot of extra work on the part of the inspectors in connection with inspecting all of these offices, because, although the fourth-class postmasters are,

perhaps, as honorable as any other class of citizens of the country, yet there is a temptation, and as I stated a moment ago, Mr. Aldrich, of the chief inspector's department, stated they had 5,000 of these cases. There is a temptation there, and I am sure quite a number of the members of this Committee have had some experience with such situations.

Mr. DONDERO. Mr. Chairman, I believe we all feel if this bill is to lower the pay of the men who run these post offices, usually in connection with some little business, we would not be in sympathy with it, but if it tends to stabilize the pay and make it uniform throughout the country, I believe we would be for it.

Mr. ROMJUE. It is as nearly completely uniform as we can possibly make it, as Mr. Donaldson, of the Post Office Department, has stated:

This has been a very troublesome question, and this solution would be better for the Government and better for the postmasters themselves.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I want to be a little clearer on what accounting this eliminates. Under this bill will the postmaster receive the cancellations?

Mr. ROMJUE. No; he will operate like the first-, second- and third-class postmasters. He will not have to keep track of all the cancellations.

Mr. CRAWFORD. That is where the accounting would be eliminated?

Mr. ROMJUE. Yes.

Mr. CRAWFORD. This makes it more acceptable to the postmasters themselves?

Mr. ROMJUE. Yes. This puts them under the same regulations as the postmasters of the other three classes. It also removes the temptation to pad the salary and further saves inspection expenses.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from New York.

Mr. TABER. Does the gentleman mean to tell us the inspectors claim there are now 5,000 cases pending where there are frauds out of 31,000 offices altogether?

Mr. ROMJUE. No; that was some time back. I cannot give the gentleman the figures at the present time.

Mr. TABER. That was the number of frauds which had occurred since the fourth-class post offices had been established?

Mr. ROMJUE. That was the number pending at that time, I do not know how long ago, but only a very few years. These all called for inspector investigations, and some prosecutions and some were only innocent mistakes and some resulted in court convictions.

Mr. TABER. Then one-sixth of all the offices had fraud cases pending against them?

Mr. ROMJUE. The gentleman can figure it out for himself.

Mr. TABER. If so, it is a sad commentary upon the operation of the Post Office Department.

Mr. ROMJUE. I am just telling the gentleman this is the statement had from the inspectors.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Illinois.

Mr. MASON. Is it not a fact, according to the evidence brought out before our committee, that all the fourth-class postmasters in the lower brackets would have their salaries increased somewhat, but the fourth-class postmasters in the upper brackets might have some decrease in their salaries? However, the total would be approximately the same as is being paid out now, with the exception of about \$400,000.

Mr. ROMJUE. Yes; that is practically true.

Mr. SNELL. Is it practically true or actually true? I am very much interested.

Mr. ROMJUE. The statement is of a fact. I cannot see how you can classify the fourth-class post offices, because they are just fourth-class postmasters. The gentleman

speaks of the brackets. There really are no brackets in the fourth-class post offices.

Mr. SNELL. No; but there are some which are more or less large. The receipts of one office may be \$200, for instance. What is the effect on that postmaster's salary as compared with the postmaster whose office has receipts of \$800.

Mr. ROMJUE. I am sure the reduction would come more in the higher-paid offices within the fourth class.

Mr. SNELL. If I correctly understood the gentleman's statement, he said 2 or 3 years ago we passed a law increasing the pay of fourth-class postmasters.

Mr. ROMJUE. No; I did not make such a statement. The gentleman misunderstood me.

Mr. SNELL. What was the gentleman's statement about that?

Mr. ROMJUE. I did not make any statement at all about it. I stated a few years ago we had up for consideration a bill which fixed the minimum, but we did not pass that bill. We found on investigation the minimum was set too high and would cost the Government something more than seemed justified at the time. With the same purpose in mind, we later took up this measure and arrived at these figures, because we thought they were, in the first place, satisfactory to the fourth-class postmasters; and, in the second place, better for the Government. We placed the figures at such a sum per postmaster as would save the Government something and also be more satisfying to the employees under the bill.

Mr. SNELL. Does the gentleman state this is entirely satisfactory to the Fourth-Class Postmasters' Association?

Mr. ROMJUE. Some of them really take a little less money under this bill, but, as one postmaster stated in a letter a few days ago, he would rather have some less, and have a system whereby he would get his pay regularly, because he would not be under any kind of suspicion of fraudulent operations.

Mr. SNELL. However, the large majority of the more poorly paid postmasters would receive an increase?

Mr. ROMJUE. Yes, I should say so.

Mr. SNELL. My experience has been that it has been difficult to find people to perform the duties of a fourth-class postmaster in the offices throughout the country because there are so many technicalities to comply with, and the salary is not large enough to compensate them for the trouble involved. Does the gentleman believe this bill will to a certain extent meet that difficulty and give these people a little more pay?

Mr. ROMJUE. I am sure that is true. I am also sure, from my long study of this matter with Mr. Kelly, a former Member of the House from Pennsylvania, and the gentleman from New York [Mr. MEAD], this is the best possible plan that can be worked out. I believe it will not only save the Government money but will be satisfactory to the postmasters.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. Not only will it be satisfactory to the fourth-class postmasters but it will be more businesslike and more systematic to handle it this way instead of having the cancellations and all of that sort of thing determine the pay of these postmasters.

Mr. ROMJUE. I believe the gentleman is correct.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Missouri.

Mr. COCHRAN. The gentleman assures the Committee that under the terms of this measure the Government will pay less for fourth-class post offices than it is now paying?

Mr. ROMJUE. Than it is now; yes.

Mr. COCHRAN. If the gentleman will permit a further observation. The gentleman will recall that some years ago, and I may say to the gentleman from New York [Mr. TABER] it was not started under the Democratic administration, I exposed a racket among fourth-class postmasters showing

where they were increasing their cancelations by shipping eggs and other things through the parcel-post system and giving rebates to the patrons of their offices who would use that method. All of that will be out if any still exist under this proposed system, according to the sponsors of the bill.

Mr. ROMJUE. That will be eliminated; yes.

Mr. COCHRAN. It has practically been eliminated by the post-office inspectors who have saved the Government hundreds of thousands of dollars, and have collected from the fourth-class postmasters who violated the regulations money that they had received through this racket I referred to. I am pleased to hear all of this will be eliminated under this bill.

Mr. ROMJUE. Yes.

Mr. SNELL. I would like to ask the gentleman a further question. If they have had any malpractice in these offices, why do they not bring them to account for it?

Mr. COCHRAN. I will say to the gentleman from New York that 6 years ago we required them to account, due to the efforts of our committee and my efforts on the floor of the House.

Mr. SNELL. If anybody is not obeying the law, fire them out. General statements here do not amount to anything.

Mr. COCHRAN. They not only discharged them but they were prosecuted.

Mr. SNELL. The gentleman has just made a general statement that does not prove anything.

Mr. COCHRAN. They prosecuted some of them and they made many of them make refunds to the Government. That proves something.

Mr. SNELL. It is their business to do that, and that is what they are there for. The general statements you may make here that they all do it do not amount to anything.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Ohio.

Mr. SWEENEY. I seems to me an attempt is being made here to cast some aspersions on the postmasters of this class with respect to the matter of fraud due to the cancellation system. The gentleman from New York [Mr. TABER] made a statement a few moments ago with respect to this matter. I am reading now from an official report made back in 1907, when this system was condemned, when the Post Office was under Republican administration. Sixty-two percent of the cases pending then were for false cancellation, and Third Assistant Postmaster General Lawshe had this to say:

In passing upon cases of this character the legal helplessness of the Department in dealing with these abuses, due to the faulty method of determining the compensation of fourth-class postmasters, is brought to life. A system which makes a postmaster his own accountant, compensation being determined by his own returns, with no means of verification available to the Department, is fundamentally wrong. Unfortunately, there is no adequate method whereby the returns may be correctly tested. By placing a count upon mail matter emanating from such offices a partial verification is secured, and upon these reports the Department is forced to rely. Matter for local delivery even then is unverified.

This was 30 years ago, so it cannot be applied to the present administration.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Chairman, I yield myself 5 additional minutes.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield.

Mr. TERRY. This legislation, no doubt, has been submitted to the Post Office Department?

Mr. ROMJUE. That is right; we had them before the committee.

Mr. TERRY. And they made a recommendation on this proposed legislation?

Mr. ROMJUE. They are for it. Of course, we first had them there on a pay bill which they were against because it required too much money, but we have met that situation and brought the payment within limitations whereby the Government is saved money.

Mr. TERRY. How much additional will this cost the Government?

Mr. ROMJUE. This will not cost the Government anything. It will save over \$400,000 in comparison with what we are paying out now.

Mr. TERRY. And the Post Office Department approves the bill?

Mr. ROMJUE. Naturally they would have no objection to that.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield.

Mr. DONDERO. I think the question as to where the additional money would come from to pay the fourth-class postmasters is answered in your report in these two lines:

To offset the increased cost in the proposed H. R. 2890, it is proposed that the first three salary grades be amended by reducing \$20 each, the next four salary grades be reduced in the amount of \$10 each.

That is where you get the money to pay the fourth-class postmasters.

Mr. ROMJUE. Yes.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield to the gentleman from Georgia.

Mr. TARVER. Why did the committee not obtain a report from the Department on this particular bill and incorporate that report in the committee's report?

Mr. ROMJUE. That was requested from the Department some time ago, but the man who had charge of that matter has been sick and has been unable to fix it up himself.

Mr. TARVER. Have the hearings about which you spoke where you say witnesses from the Department approved this bill been printed and are they available?

Mr. ROMJUE. Yes; I have a copy of the general hearings here. I do not know whether they have been generally printed or not. They were printed on this same legislation a couple of years ago and the only difference between that measure and this one, practically, is in the amount of salaries paid.

Mr. TARVER. I wondered to what source the Members might go, other than the verbal statement of the gentleman, to determine the attitude of the Post Office Department on this bill, and whether there are any hearings available or any written communication from the Department approving the bill?

Mr. ROMJUE. When Mr. Donaldson was before the committee he had this to say:

I think universally that the officials of the Department feel that it would be much better if fourth-class postmasters' compensation was on the annual-salary basis. I know I feel that way about it personally.

In addition to that, further he says:

I do not mean to be noncommittal, but I personally conducted a fourth-class post office for a long time, and as post-office inspector I inspected many. Not speaking for the Department, but for myself, if we can get some other method of fixing the salaries, it would be best. Whether it gave the postmaster much of an increase or if it gave him any, it would be better for the postmaster and better for the Department.

Mr. TARVER. Expressing approval of the salary method of paying fourth-class postmasters and approving this bill with the schedule of salaries fixed in the bill are two entirely different things.

Mr. ROMJUE. That testimony was on this particular bill.

Mr. TARVER. Did the gentleman have any testimony from the Post Office in regard to these particular salaries?

Mr. ROMJUE. He had this before him.

Mr. TARVER. Was he testifying to that?

Mr. ROMJUE. Yes.

Mr. TARVER. What did he say with regard to this particular salary schedule, as to whether it met the approval of the Department?

Mr. ROMJUE. There has not been any change in the bill. We did not have the second copy of the hearings published as I now recall, as we had a few years ago, because we did not think it necessary to go to that expense. The only question raised by the Post Office Department was as to the amount of money that it would take.

Mr. TARVER. What I am trying to get from the gentleman is some statement by the Department's witnesses showing that the Department approved the schedule of salaries fixed in this bill. The gentleman has not read such a statement as yet. If he has such, I think it would be well to have him read that statement.

Mr. ROMJUE. I would have to look it up, and it would take some time, but I am telling the gentleman that the bill that was before us for consideration when we had the Post Office Department officials there was amended by reducing the first of the salaries from \$180 to \$160.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. TABER. Mr. Chairman, I wonder if the gentleman would not yield himself more time so that I may ask him one or two questions. I would like to have some explanation of what I regard as a very important matter so that we can figure this out.

Mr. ROMJUE. Mr. Chairman, I yield myself 5 minutes more.

Mr. TABER. How do cancellations compare with gross receipts as figured in the bill? Is there any evidence on that subject? Are they about the same or are they different? I ask that so that we can get at the basis that the gentleman is figuring on.

Mr. SWEENEY. Will the gentleman yield to me?

Mr. TABER. I have not the floor. The gentleman from Missouri has the floor.

Mr. ROMJUE. The receipts from the cancellations practically equalize the cost under this, except that they are more.

Mr. TABER. The cancellations are more than the gross receipts or less? I am trying to get a comparative basis, so that the House may see just what is being done by this operation.

Mr. SWEENEY. Will the gentleman permit me?

Mr. ROMJUE. Yes. They are more, in the neighborhood of \$400,000.

Mr. TABER. The gentleman means the cancellations figure more?

Mr. ROMJUE. They constitute practically all of it, most of it. There are very little other items in there.

Mr. TABER. There would be money-order receipts.

Mr. ROMJUE. Yes; 3 cents, and such as that. Of course, that is very small.

Mr. TABER. Does the gentleman think that the cancellations and the gross receipts would be just about the same as they are now?

Mr. ROMJUE. They are a little more than that now.

Mr. TABER. Then, let me ask this: If anyone has cancellations at the present time amounting to \$300, that would be on the basis comparatively of \$75 a quarter, and that would make the postmaster entitled to 160 percent of each \$75, according to the statute that appears on the bottom of page 2 of the report. That would be \$480 a year for a postmaster having cancellations of \$300.

Mr. ROMJUE. No.

Mr. TABER. If they have gross receipts of \$300, the salary is fixed at \$410. That would be \$70 less. Is my deduction correct?

Mr. ROMJUE. No. I will tell the gentleman where he is in error. The pay is 160 percent on the first \$75.

Mr. TABER. Seventy-five dollars per quarter, according to the statute, the way it is now.

Mr. ROMJUE. Yes. It carries less after that for the next \$75.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. Yes.

Mr. SWEENEY. May I say to the gentleman from New York [Mr. TABER] the information I think the gentleman desires is this, that the cost of the cancellation system at present is \$19,430,000 in round figures.

The cost to the Government under the proposed legislation will be about \$16,000,000, not including, of course, the

money-order fees of 3 cents on each order which the fourth-class postmaster gets, as the gentleman knows, and the 15-percent allowance for equipment, fuel, and so forth. So there is really a savings of \$400,000.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, I have found the information I want. On the first \$75, 160 percent is applied to the cancellations; then the next \$100 is at 85 percent; and if he has any additional cancellation, it is at 75 percent.

Mr. TABER. The point I was getting at was that if the cancellations and gross receipts were practically the same the result, according to page 2 of the bill, would be that a postmaster with \$300 gross receipts would receive \$410 annual salary; whereas, at the present time if he has \$300 of cancellations and it is split even into four quarters at \$75 a quarter, he would get 160 percent of that \$300, or \$480; so, on the face of the \$300 gross there would be a \$70 reduction in salary. Is not that right?

Mr. ROMJUE. That is about right, except that the \$410 salary applies to receipts of from \$250 and less than \$300 and gross receipts of \$300 to \$350 calls for \$470 annual salary.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. I yield.

Mr. MURDOCK of Arizona. I am very much in sympathy with the proposal to pay a fixed salary to fourth-class postmasters in lieu of the former arrangement; but what about the reduction of salaries in the first- and second-class offices? Is not that, too, a part of this plan to cut \$20 off one class and \$10 off the other annually to make up for this?

Mr. ROMJUE. The gentleman means to take that much off the pay of other postmasters?

Mr. MURDOCK of Arizona. Yes.

Mr. ROMJUE. No; the first- and second-class postmasters are not involved in this.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. HAINES].

Mr. DONDERO. Mr. Chairman, will the gentleman yield for a short question before he starts his statement?

Mr. HAINES. I yield.

Mr. DONDERO. I think it would be helpful to the House if the gentleman could inform us how many postmasters of the fourth class will be affected by this bill; I mean how many will receive increases and how many will receive decreases in pay?

Mr. HAINES. Mr. Chairman, I am afraid I am unable to give the gentleman the information he seeks.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield? I have the figures.

Mr. HAINES. I yield.

Mr. SWEENEY. There are 30,329 fourth-class postmasters.

Mr. DONDERO. But how many receive increases and how many decreases?

Mr. SWEENEY. Some of them will receive a slight decrease; some will receive increases.

Mr. HAINES. Mr. Chairman, the objective of H. R. 2890, fixing annual salaries for postmasters of the fourth class is to standardize the payment of compensation to postmasters under one system. Postmasters of the first, second, and third classes are paid annual salaries, based upon gross postal receipts; while postmasters of the fourth class are paid commissions on stamps canceled. The bill, under consideration, will provide annual salaries for the fourth class on the same basis as that used for payment of compensation to other classes.

At the present time postmasters of the fourth class are paid commissions on the value of stamps canceled. This system has been in effect for more than 50 years, although unsatisfactory. It provides a complicated accounting system and is also subject to abuses resulting in possible losses

to the Government with no definite way of determining to what extent losses are sustained.

As further evidence that this has been a source of great concern for many years I quote from Third Assistant Postmaster General Lawshe, in 1907, who made a report of the growing frauds and false reports of cancellations and diversions of mail. In the report, he said:

In passing upon cases of this character, the legal helplessness of the Department in dealing with these abuses, due to the faulty method of determining the compensation of fourth-class postmasters, is brought to life. A system which makes a postmaster his own accountant, compensation being determined by his own returns with no means of verification available to the Department, is fundamentally wrong. Unfortunately, there is no adequate method whereby the returns may be correctly tested. By placing a count upon mail matter emanating from such offices, a partial verification is secured, and upon these reports the Department is forced to rely. Matter for local delivery even then is unverified.

This report was made 31 years ago and this condition has been permitted to continue through all these years without any definite action being taken to remedy.

Third Assistant Postmaster General Britt, in 1912, reported that of the cases sent to the chief inspector for investigation, 62 percent were for diversions of mail matter at fourth-class offices. He said in the report:

These depredations upon the postal revenue will continue so long as the present law for compensation of postmasters at offices of the fourth class remains in force.

This observation was made 26 years ago.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. HAINES. I yield.

Mr. MURDOCK of Arizona. Are there not numerous instances where fourth-class postmasters have been adjudged guilty of committing a wrong when it was merely a technicality due to the cumbersomeness of the system itself?

Mr. HAINES. Without a doubt that is true, and I know how difficult it is for some fourth-class postmaster in some little out-of-the-way country place to be his own auditor and compute the amount owing him by the Government for his services.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. HAINES. I yield.

Mr. GEARHART. Emphasis has been placed upon the question of fraud by various Members who have answered certain inquiries. It is not always a question of fraud; sometimes it is merely suspected fraud and investigations were made necessary because of the suspicion, but they turned out to be mere irregularities. The gentleman does not want any member of the Committee on the Post Office and Post Roads to spread upon the record of this Congress a statement that a vast majority of fourth-class postmasters are dishonest and are trying to defraud the Government. I am a member of that committee, and I know that nothing is farther from our thoughts. Is not that true?

Mr. HAINES. My colleague is correct; and let me say that from my own experience with the small postmasters I have in my district I can say that 99.9 percent of them are honest.

Chief Inspector Aldrich and Assistant Superintendent Davis, of the inspection department, in a statement before the subcommittee of the House Committee on Appropriations in December 1935, stated that there were 5,000 cases pending in the smaller post offices where the cancellations of the postmasters had exceeded their sales, and that it was apparent there was a loss of \$774,000 in revenue during the fiscal year of 1936, resulting from inflation of compensation by postmasters of the fourth class.

It is a known fact that the cancellation system for the payment of compensation, which is dependent upon the count of the postmasters and clerks, with no means of verification, has, in many instances, encouraged dishonesty. The cancellation system, which has been found unsatisfactory to the

Post Office Department because of possible abuses, is also unsatisfactory to the postmasters, because it is subject to bring or direct suspicion against the integrity of any postmaster. Therefore, the bill under consideration is almost unanimously approved by the 30,000 postmasters of the fourth class, although it does not provide any salary increase, but merely a change in the method of compensating.

Moreover, the cancellation system, now in effect, is objectionable because it is impossible for the postmasters in the higher grades to determine the earned compensation until the end of the 3-month period, since different portions of the total cancellations are figured at different rates of commission, making it absolutely necessary to determine the full cancellation of a 3-month period before the compensation can be accurately determined.

The salary bill would provide annual salaries based upon the gross postal receipts of the calendar year next preceding the adjustment for the fiscal year beginning July 1. This bill removes all guesswork, and will prevent shortages, which might result from overestimating the earned compensation. It will also provide for payment of salaries on a semimonthly basis, as other governmental employees are paid, and will simplify accounting, by eliminating the complicated commission basis, which is often misunderstood by the postmasters and results in thousands of corrections by auditors of the General Accounting Office.

The proposed bill is not a salary increase, nor will it prove a reduction to the postmasters, although the statement indicates a difference of approximately \$400,000. This can be explained by the fact that the statement presented by the Department, as to the actual cost of the measure, was based upon the receipts of 1935, which have increased to such an extent that the amount indicated as a savings will be practically absorbed by increases in compensation, based upon increase in the gross postal receipts at the present time over that of 1935, but will incur no additional cost to the Government or any loss to the postmasters. The bill is simply a change of method of compensation, which is believed to be more progressive and satisfactory and will simplify the accounting in these small offices, and will, insofar as possible, eliminate the possible abuses.

We have a system that is so complicated to these men who are not accountants that it is impossible for them to make correct reports to the Post Office Department.

Mr. GEARHART. The system is complicated, and because irregularities have developed, it becomes necessary for the Government to maintain a very elaborate inspection service in order to keep the records right?

Mr. HAINES. Yes. I may say to the gentleman these offices are inspected but once in about 4 years, and then they go back over all these records, which are most complicated, indeed.

Mr. GEARHART. Is the total cost of the existing system of compensation of fourth-class postmasters more or less than would be paid under the salary system which this bill provides for?

Mr. HAINES. It is my understanding, in answer to the gentleman's inquiry, from information given by persons who appeared before our committee when we held hearings, that this would save possibly \$400,000 annually. However, I do not think we want to lay much stress on that. We want to get rid of this complicated system that has proven unsatisfactory to the Department, not only under the present administration but under past administrations—a system that is even more objectionable and unsatisfactory to the postmasters themselves—a group of men upon whom we sometimes cast suspicion when they are innocent in 99 cases out of 100.

Mr. TABER. Will the gentleman yield?

Mr. HAINES. I yield to the gentleman from New York.

Mr. TABER. Assuming that the cancellations and the gross business would run about the same, I have figured out that under the present act the fourth-class office having an

income of \$300 would call for a salary of \$480, whereas under the bill that is now presented that office would receive \$410. Assuming the same situation with reference to one with \$900, I have figured out that the salary would be \$970 under the present law and under the bill as now presented it would be \$900. That would be a cut of anywhere from 10 to 20 percent in the compensation of these fourth-class postmasters. If the gentleman is going to bring in a bill cutting the compensation of fourth-class postmasters from 10 to 20 percent does he not believe that the same cut should apply to the entire Government service?

Mr. HAINES. May I reply to my colleague by saying I have not figured out just exactly what the difference is going to be between the present law and the provisions of this bill if enacted into law, but I do know that in the first three grades they take a lower compensation. They are very, very willing to take this reduced compensation. There is no intent on the part of the committee on which I have the honor to serve of taking anything away from this small-pay group.

[Here the gavel fell.]

The CHAIRMAN. Does any minority member of the Committee on the Post Office and Post Roads desire recognition in opposition to the bill?

Mr. GEARHART. Mr. Chairman, I rise in opposition to the bill.

I yield 5 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, I believe we would all like to know what this bill proposes to do. If the section of the report which gives the present law is correct and works out as naturally interpreted, certainly the proposed bill is going to reduce the salary of most of the fourth-class postmasters.

Page 2 of the report accompanying the bill cites the present code as follows:

On the first \$75 or less per quarter the postmaster shall be allowed 160 percent of the amount. On the next \$100, 85 percent, and on the balance 75 percent.

I have very hastily worked this out. My figures may not be absolutely correct, but under this section if 160 percent is paid for the first \$75 per quarter, the salary that is based on totals running up to \$300 would mean an office running \$75 per quarter, and the postmaster with receipts up to \$300 a year would receive \$480 at the present time, whereas it is proposed to pay him only \$410.

Mr. HENDRICKS. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Florida.

Mr. HENDRICKS. Before the gentleman goes through all of that, I believe the members of the Committee on Post Offices and Post Roads will bear me out when I say the fourth-class postmasters have written us urging that this bill be adopted, even though they know the effect. They are satisfied.

Mr. HAINES. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Pennsylvania.

Mr. HAINES. Is it not true that the Postmasters' Association has unanimously approved this bill?

Mr. HENDRICKS. That is right.

Mr. CASE of South Dakota. Have they approved it since the reducing amendments have been put in the bill?

Mr. HAINES. Yes.

Mr. CUMMINGS. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Colorado.

Mr. CUMMINGS. We reduce the salaries, but we also reduce the work a lot more than the salaries, and they get more per hour than they receive now. The object of the bill is to cut the work.

Mr. CASE of South Dakota. Let us see what the reduction in salary is.

Here is the table given in the report:

Statement showing actual cost under amended bill

Receipts	Post offices	Salaries	Compensation
\$0.01 to \$99.99.....	2,417	\$160	\$386,720
\$100.00 to \$149.99.....	2,869	220	631,180
\$150.00 to \$199.99.....	2,889	280	808,920
\$200.00 to \$249.99.....	2,651	350	927,850
\$250.00 to \$299.99.....	2,217	410	908,970
\$300.00 to \$349.99.....	1,943	470	913,210
\$350.00 to \$399.99.....	1,608	530	852,240
\$400.00 to \$449.99.....	1,383	600	829,800
\$450.00 to \$499.99.....	1,290	660	851,400
\$500.00 to \$599.99.....	2,102	700	1,471,400
\$600.00 to \$699.99.....	1,703	800	1,362,400
\$700.00 to \$899.99.....	2,814	900	2,532,600
\$900.00 to \$1,199.99.....	3,055	1,000	3,055,000
\$1,200.00 to \$1,499.99.....	2,725	1,100	2,997,500
Total.....	31,666		18,529,190

Receipts upon which salaries are based are reduced by 15 percent in accordance with the Revenue Act of 1932, which results in a reduction of 15 percent... \$2,779,378

Net compensation of postmasters..... 15,749,812
15-percent allowance for rent, light, fuel, and equipment..... 2,362,471

Total..... 18,112,283
Money-order fees..... 908,967

Total cost of service under amended bill, H. R. 2890..... 19,021,250
Total cost of service under present cancellation system..... 19,430,006

And here is the existing law governing the compensation of fourth-class postmasters as quoted in the report:

UNITED STATES CODE, 1934 EDITION, TITLE 39, SECTION 57

The compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps and on postage stamps, stamped envelopes, postal cards, stamps, on registry matter, including stamps to cover return receipts, insured and collect-on-delivery matter, canceled, on matter actually mailed at their offices, except the stamps affixed to pay the fees for special delivery service and special handling service, and on that part of the value of the stamps on the mail for transportation by air mail, canceled at their offices, equal to the postage which would be required on such mail at the regular domestic rates, and on the amount of newspaper and periodical postage collected in money, and on the postage collected in money on identical pieces of third- and fourth-class matter mailed under the provisions of section 295 of this title, without postage stamps affixed, and on postage collected in money on matter of the first class mailed under provisions of section 273 of this title, without postage stamps affixed, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely:

On the first \$75 or less per quarter the postmaster shall be allowed 160 percent on the amount; on the next \$100 or less per quarter, 85 percent; and on all the balance, 75 percent, the same to be ascertained and allowed by the General Accounting Office in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That in adjusting the quarterly compensation of postmasters of the fourth class the General Accounting Office shall allow such compensation as may be shown by the quarterly returns to be due, not exceeding \$275 for the quarter ending September 30, not exceeding \$550 for the two quarters ending December 31, not exceeding \$825 for the three quarters ending March 31, and not exceeding \$1,100 for the whole fiscal year, exclusive of 3 cents commission on each money order issued.

It is difficult to make a comparison because one computation is based on cancellations and the other on receipts; but the estimated total costs show a reduction, and if that is correct, somebody must stand the reduction.

According to the table, it is proposed to pay postmasters with receipts up to \$500 a salary of \$600 a year. At the present time if the specified receipts and cancellations through the year run up to \$500, averaged throughout the four quarters, he would get \$650. If they run up to \$400, it is proposed to pay him \$530, whereas now he gets \$565. For postmasters with receipts up to \$550 it is proposed to give them \$470, whereas for similar totals they now receive \$525.

The postmaster with receipts up to \$300 a year, that is between \$250 and \$299.99, inclusive, gets \$480 now, and it is proposed to cut him to \$410. The postmaster with receipts up to \$250 now receives \$400, and it is proposed to reduce him to \$350. The postmaster with receipts up to \$200 now gets \$320, and it is proposed to reduce him to \$280. The postmaster with receipts up to \$150 now gets \$240, and it is proposed to reduce him to \$220. Is the work going to be reduced in any such proportion?

The fourth-class postmasters in my district are some of the most important postmasters we have. They serve a sparsely settled area. Their receipts are small at best. None of my correspondence with them would indicate they want any reduction in salary. What they are looking for is something which will really help them. Since their receipts are so small and their salaries are so small, I cannot understand how it is going to help them a great deal to give them a reduction in salary ranging from \$70 to \$50 a year.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Illinois.

Mr. MASON. Does the gentleman realize the total reduction in the entire \$19,000,000 is only 2 percent, over the whole group, and that most of the 2-percent reduction is borne by postmasters in the higher brackets? The gentleman did not read this table correctly when he stated a postmaster getting up to \$200 would get \$280, because the \$200 man would get \$350. There is a division between the \$199 man and the \$200 man. The \$200 man gets a \$350 salary, which is more than he is getting now.

[Here the gavel fell.]

Mr. GEARHART. Mr. Chairman, I yield 3 additional minutes to the gentleman from South Dakota.

Mr. CASE of South Dakota. What we are trying to do is get information and find out what this bill really proposes to do. The great bulk of the fourth-class post offices are in the lower brackets and I want to be sure this so-called \$400,000 saving is not to be at their expense.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. MASON. According to this table, which has been figured out by the experts of the Post Office Department, the postmaster of an office whose receipts were below \$100 for the year would get a salary of \$160. Under the present regime he receives less than that. The postmaster whose receipts were from \$100 to \$149 would get \$220, and under the present regime he gets less than that.

Mr. CASE of South Dakota. He should get \$240 under the present law.

Mr. MASON. How does the gentleman figure the \$240?

Mr. CASE of South Dakota. Because he gets less than \$75 per quarter. He should get 160 percent of his \$150 gross for the year.

Mr. MASON. He would get 160 percent of the \$75?

Mr. CASE of South Dakota. No; he is grossing up to \$150, the gentleman states.

Mr. HAINES. I believe he would get 160 percent on the first \$75 and 85 percent of the balance up to \$100.

Mr. TABER. No; that is on a quarterly basis.

Mr. CASE of South Dakota. That is the case we would like to have made clear. The law says on the first \$75 or less per quarter the postmaster shall be allowed 160 percent. If he has total receipts up to \$300 for the year, then he would have receipts of approximately \$75 per quarter, and he should get 160 percent of that \$75 per quarter.

Mr. MASON. It is \$480. Instead of getting \$480 under the present plan he would get \$470, which is only a \$10 decrease.

Mr. CASE of South Dakota. No; the man who now gets \$480 would get \$410 under the proposal.

Mr. MASON. No; he would not get \$410 under the pending proposal unless he gets less than \$300. If he gets \$300 he receives \$470. There is \$60 on which we differ, and the \$60 difference is in connection with that last \$1 of receipts.

[Here the gavel fell.]

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Mr. ROMJUE. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Chairman, if I may make a personal observation, I may say that, coming from an industrial section, I am not affected by this bill. As is the case with many of my colleagues, I have no fourth-class postmasters in my district. Undoubtedly many Members are wondering how this bill will affect their fourth-class postmasters, and it is only fair that we hear from these postmasters on this subject.

Speaking before the committee, their representative, Mr. E. A. Meeks, whom many Members of the House know personally, since he has been coming here for years speaking for the fourth-class postmasters, had this to say, and I think it ought to disabuse your minds on whether or not they want this legislation. Mr. Meeks gives these reasons why this bill should be enacted into law:

First, it eliminates the objectionable cancellation system, which encourages dishonesty, and will remove the possibility of suspicion against the integrity of postmasters.

Second, it provides for payment of compensation on the same plan and basis as other postmasters are paid, which is desirable and necessary.

Third, it simplifies accounting, eliminates errors, and will result in savings of considerable expense and unnecessary work in accounting offices.

Fourth, it will make it possible to dispatch mail in many cases without additional cost or duplication of compensation.

Fifth, it will fix annual salaries, removing uncertainty as to compensation.

Sixth, it will remove the possibility of abuse of the Parcel Post System.

Seventh, it will result in a saving of thousands of dollars annually to the Department through abuses, errors, accounting, and overlapping of compensation, and will simplify the system in the fourth-class offices.

We believe, Mr. Chairman, that the enactment of this bill will be a forward step in the progress of the Service and will establish a principle that will not only be fair to the postmasters but will prove more satisfactory to the Post Office Department.

These are the views of the fourth-class postmasters, speaking through Mr. Meeks.

There should not be any concern on the part of any Member about how these postmasters feel about this legislation.

As my friend has pointed out, there is some variation in the amount of salary in the lower brackets. In some cases it is only \$10 a year difference and spread among all the postmasters of the group so affected; you will find it is equalized in most of the cases. There is bound to be better and more efficient service rendered if we abolish the obnoxious cancellation system.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield.

Mr. HAINES. And is it not true that Mr. Meeks is one of the best posted men on this subject that the committee can confer with, and is it not also true that he is intensely interested in the group we are trying to help?

Mr. SWEENEY. There is no question about that. He is one of the best informed men in the country on this subject.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Iowa.

Mr. DOWELL. These postmasters are receiving a very small pay, and I want to know from the gentleman, who is a member of the committee, whether this bill, if adopted, will increase the pay or whether it will diminish it?

Mr. SWEENEY. As I tried to point out in my remarks, in the lower brackets it will decrease the pay of some postmasters by some small amount.

Mr. DOWELL. What does the gentleman mean "by the lower brackets"?

Mr. SWEENEY. I will give the gentleman the figures. Where the receipts are from \$200 to \$250 annually the proposed bill would pay the postmaster in lieu of cancellation a compensation of \$350. The present amount he would get by virtue of the cancellation is \$360. So there is only a difference of \$10 in that lower bracket.

Mr. DOWELL. But that is a reduction of his pay.

Mr. SWEENEY. It is true that in that bracket there is a reduction of \$10, but the gentleman must keep in mind

that, with few exceptions, the postmasters prefer the salary system to the obnoxious cancellation system.

Mr. DOWELL. That is true; but he should not have his salary reduced.

Mr. SWEENEY. Evidently he has agreed to it and thinks it is all right, because they favor this legislation.

Mr. DOWELL. That may be true, but his salary ought not to be lower than it is now, and my notion is it ought to be higher.

Mr. SWEENEY. I may also say that this reduces his work and does away with the possibility of temptation to commit fraud in connection with the present cancellation system. It does not disturb the 3 cents he gets from every money order issued, and it does not disturb the 15 percent for equipment, fuel, and light; if the fourth-class postmasters are satisfied with this proposed legislation, why cannot the gentleman go along?

Mr. DOWELL. I am merely trying to get information. I do not believe their salary ought to be reduced, but if this bill is favorable to them and if they would rather have it—

Mr. SWEENEY. There is also a saving in accounting, and that is a great factor. Another factor, as pointed out by the gentleman from Missouri [Mr. ROMJUE], is the fact there has been fraud, and quite a bit of fraud, not only under this administration but under preceding administrations.

Some men have the temptation to pad their accounts, and they do it, and this has cost the Government quite a bit of money, through the inspection service, the cost of presenting and prosecuting the cases and preparing them for trial. All of this will be eliminated if this proposed system is put into operation. In my opinion, there will be a tremendous saving in dollars and cents.

Mr. DOWELL. And the gentleman states to the House that this is recommended by them?

Mr. SWEENEY. I may state to the gentleman that I have searched the records, and I do not say the Department recommends this legislation, but they do not oppose it. We have a right to presume that the Department's attitude in not opposing it represents a friendly attitude.

Mr. DOWELL. But, as I understand, the gentleman stated the postmasters recommend this.

Mr. SWEENEY. I stated that based on the statement made by Mr. Meeks, who appears before our committee every year and who probably is known by the gentleman. He represents the third- and fourth-class postmasters, and he is emphatically for this bill; it has been approved by most of their conventions for the past 10 years.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield.

Mr. GIFFORD. I want to remind the gentleman of the fact that in these fourth-class post offices sometimes something unusual occurs. There may be a convention of some sort which causes an unusual amount of mail and it takes a whole year to determine what the salary of the preceding year should be. Another postmaster may have been installed in the meantime and the party who actually did the work loses out entirely with respect to this extra money. In the State of Florida this may happen fairly often, or something similar to it. This would be an instance where someone else might reap the benefit which really belongs to a preceding postmaster. Has the gentleman thought of this?

Mr. SWEENEY. I do not think there is any alarm there.

Mr. GIFFORD. There is no alarm; but it is an injustice, is it not?

Mr. SWEENEY. There may be a possibility of that, I grant the gentleman. It could happen under the present cancellation system.

Mr. GIFFORD. The bill makes so few changes in the actual result now, why suggest any departure from the present procedure?

Mr. SWEENEY. There is no question of jeopardizing any of their rights. For 10 years Congress has wrestled with this proposition. This is the first time we have brought it into the light of day seeking to get some action.

Mr. Chairman, I yield back the balance of my time.

Mr. GEARHART. Mr. Chairman, will the Chair kindly state how the time stands?

The CHAIRMAN. The gentleman from Missouri has 15 minutes remaining and the gentleman from California 52 minutes.

Mr. GEARHART. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. JENKS].

Mr. JENKS of New Hampshire. Mr. Chairman, as a member of the Committee on the Post Office and Post Roads, while the hearings on this bill were going on I was on the Labor Committee during the time that committee was holding joint sessions with the Senate Labor Committee on the wage and hour bill, so that I was unable to attend any of the Post Office hearings on this bill before us. It seems to me, as a general proposition, inasmuch as the fourth-class postmasters, who comprise three-quarters of all of the postmasters of the United States, are favorable to this legislation, that there is no reason why it should not be passed; however, I believe the fourth-class postmasters are not overpaid, and I see no reason why any of them should lose any compensation on account of this bill. I believe the bill should be amended so that it would not cost the Government anything and still would not reduce the salaries of these postmasters who are affected. I do not want to see the salary of any fourth-class postmaster reduced, and I do not think other Members of this House do, and as long as there is some leeway, or a saving to the Government as the bill is written, I can see no reason why it should not be changed so that there would be no postmaster who would have to take less compensation for his services.

I yield back the remainder of my time.

Mr. GEARHART. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I sat on the Post Office Committee when the hearings were held on this bill. The general program that we were considering when considering the bill was to adopt a more equitable system of paying fourth-class postmasters, but not to cut their salaries and not to raise their salaries, so that it would cost the Post Office Department more. After many long days of struggle we arrived at this program. This program does equalize and does make a more equitable distribution of money for the fourth-class postmasters. It does get rid of the obnoxious cancellation system under which they operate at the present time. It does relieve the fourth-class postmasters of a good deal of annoyance and unnecessary technical tedious work which they are glad to be relieved of. It is supported by the Postmasters Association, because they believe it is much better from their standpoint than the present bill. It does not reduce the salaries of the fourth-class postmasters in the lower brackets. It really increases the salaries of the postmasters in the lower brackets. Where the decrease comes in is from the middle upward and not from the middle downward. There is a saving to the Post Office Department as between the present cost and the cost that would be under this bill of approximately \$400,000. There are thirty-thousand-odd postmasters in this division, which should make about \$13 and a fraction on an average reduction from the 30,000, but the 5,000 in the lower brackets would receive more than they are getting, and the reduction that takes effect in the upper brackets would be more than offset by the reduction in the amount of work required by them. They want this; they are satisfied. It is not a program of reduction but a program of a more equitable method of distributing the salaries in this group, and I think the bill ought to pass.

Mr. GEARHART. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I made a remark a moment or two ago and I wish to enlarge upon it. Evidently no one here wants to reduce the salaries of the fourth-class postmasters, but some of us want to reduce the cancellation annoyance to which many of them are subjected. Because of certain conditions whereby they receive much more mail for cancellation than is represented by the postage stamps

they are able to sell they are constantly under surveillance and suspicion. Some fourth-class post offices often send their mail to a central post office. There it is checked up to see if the cancelations have been correctly stated, and we have all had conditions where it has been found that people have apparently padded their cancelations. I do not know the full effect of this bill. Does it remove that annoyance and that suspicion from those fourth-class postmasters? If it does, how are you to check up on padded cancelation receipts? Will the Government not still demand that the cancelations be carefully counted and reported? If that is still to be done, how is the annoyance removed? There is something contemplated here that the postmasters want that we cannot quite understand.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GEARHART. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I know something about fourth-class postmasters and the way some of them operated. It so happens that I started an investigation some years ago through the Committee on Expenditures in the Executive Departments and succeeded in correcting a great number of abuses. It developed that in many instances fourth-class postmasters were padding their accounts in different ways. The investigation disclosed that they had even been sending through the mail, bricks, oyster shells, and such things. One wrote a letter on a plank and put stamps on it because he made more money through cancelation of the stamps than he had to pay for them. They shipped eggs by parcel post costing \$1.50 and more a case, when they could have been shipped by express or truck over the same distance for 50 cents. I insist our committee was responsible for stopping those abuses. The investigation was over a long period. Men were prosecuted and a large number of fourth-class postmasters were required to reimburse the Government.

It is to be regretted that the committee brings in this bill without any kind of report whatsoever from the Post Office Department. There is no letter from the Postmaster General, no statement of any kind. I endeavored to get some information a few minutes ago from the Department and found that the figures in this report are based upon the number of offices in existence in 1935, not the number in existence in 1938. Instead of being 31,666 fourth-class offices now, we have only 30,000. Some have gone into the third class by reason of increases in postal receipts, others have been closed.

Frankly, I am a little suspicious when fourth-class postmasters support a bill that is going to take over \$400,000 away from them. I never in my life ran into any Government employees who wanted to reduce their salaries or have compensation taken away from them. I cannot get that through my head. The Post Office Department tells me they did not get this bill until January 17th of this year. The bill was introduced on January 13, 1937. The Department says it will take 30 days before they can get the proper statistics to determine whether this is going to effect a saving or create an increase.

The Department would like to do away with the cancelation system, provided they could reduce some of the evils and provided it is not going to cost the Government any additional money; but they are in no position now to tell us whether this means an increase or a decrease, and I repeat it will be 30 days before they will be able to submit the statistics to the Congress. I obtained this information over the telephone. I was told they appeared before the committee in 1935 on a bill of this character and opposed it; why, I do not know; I am not a member of that committee. Some of the members of the committee should tell us about that.

As I say, I want to see the cancelation system done away with. I know the abuses that have occurred under it. As you all know, I vote for a reduction in Government expenses, but when 30,000 employees of the Government favor a bill

that is going to take over \$400,000 in compensation away from them, it just does not sound right to me.

Mr. HILDEBRANDT and Mr. MASON rose.

Mr. COCHRAN. I must yield first to the gentleman from South Dakota.

Mr. HILDEBRANDT. The gentleman's information as to the date the Post Office Department got this bill is incorrect. I do not believe the gentleman wants to make a misstatement. The bill went to the Post Office Department on February 19, 1937.

Mr. COCHRAN. I was told over the telephone a minute ago by a high official of the Post Office Department that the bill reached his desk on January 17 of this year. That is my information. If your records show to the contrary, I accept the correction. The bill must have been misplaced.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

[Here the gavel fell.]

Mr. GEARHART. Mr. Chairman, I yield 2 additional minutes to the gentleman from Missouri.

Mr. MASON. Concerning the hearings, the Post Office Department was represented at the hearings held last spring.

Mr. COCHRAN. They said they appeared on the 1935 bill and they opposed the 1935 bill.

Mr. MASON. I was not here in 1935, but I was here last spring when this bill was before the Committee on the Post Office and Post Roads and the Post Office Department was represented.

Mr. COCHRAN. By whom?

Mr. MASON. I could not tell the gentleman, because I am not familiar with the officials of the Post Office Department; but the Post Office Department was represented.

Concerning the question of whether any Government employees will urge and recommend a bill that will cut their salaries in the aggregate \$400,000 we can, of course, have suspicion; but I want the gentleman to understand that this \$400,000 reduction comes from a very small group at the top whereas the very large group in the lower brackets will benefit. That is the reason, I presume, that the fourth-class postmasters may be said as a whole to favor this bill; and if they want it I am perfectly willing for them to have it.

Mr. COCHRAN. Replying to the gentleman I may say that the only way I could figure that the fourth-class postmasters decided to favor this bill was that just a few in the top brackets were going to suffer the reduction, as the gentleman states.

Mr. MASON. Yes.

Mr. COCHRAN. Those in the lower brackets probably outvoted those in the higher brackets.

Mr. MASON. The majority rules.

Mr. COCHRAN. That is undoubtedly the only way the resolution was or could be adopted. It is a case as I see it, if your information is correct, of taking care of the many at the expense of a few. Let us hope you are not mistaken.

[Here the gavel fell.]

Mr. GEARHART. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, the gentlemen in their arguments may have proven too much.

The gentleman from Illinois objected to the salary figure I used for the \$300 postmaster. The reason is that for easy figuring I referred to the postmaster with receipts up to \$300, the postmaster with \$299.99 in receipts, as a \$300 postmaster. And the gentleman properly points out that the postmaster who gets one penny more in receipts is entitled to the next step in salary.

That seems to be true. When business goes from \$299.99 to \$300, the postmaster's salary is to go from \$410 to \$470. Of course, the postmaster will sell that extra stamp. But there is no need for him to stop there.

He can loan a friend \$50 and the friend can buy \$50 worth of stamps which will raise receipts from \$300 to \$350 and the postmaster's salary from \$470 to \$530 and the friend can repay the loan with the \$50 worth of unused stamps. He can do that again and boost receipts from \$400 to \$450 and his

salary from \$530 to \$600, a \$70 jump for \$50 and have the stamps back, fresh and uncanceled.

If you will study the table given in the committee's report you will see that at any point below \$600 in annual receipts a jump to the next bracket will pay for itself, and there seems to be no reason why any fourth-class postmaster should stop boosting his receipts until he achieves \$600 in receipts and an \$800 salary.

The jumps below that point are all \$60 and \$70 in salary and only require a \$50 boost in receipts. And wherever the \$60 and \$70 jumps are together, a postoffice on the brink of the first jump can make one jump with a 1-cent stamp and the next with \$50 so that an investment of \$50.01 will produce a \$130 increase in salary and the investment principal will itself be returned in unused stamps.

If that is the meaning of the bill, and if it really does mean an increase for the lower bracket fourth-class postmasters, I want my postmasters to know it and want them to get the benefit of it if they can do so without going to jail or having their offices closed out.

But in the face of this, we are told that the net result of the bill will be to reduce the cost of the fourth-class offices. There is to be a saving of \$400,000. Now, of course, that cannot be done if salaries are to be increased by the subterfuge—or perhaps I should say by the device that has been brought out. And this, perhaps, may answer the inquiry made by the gentleman from Missouri [Mr. COCHRAN].

Statements have been made here about eliminating graft and suspicion but if that situation of stepping up \$40, \$50, or \$60 by the expenditure of 1 cent more for a postage stamp is not going to invite suspicion in the fourth-class offices, what will prevent it?

My primary question about this bill was based on the table that indicated it reduced salaries in the lower brackets. Its sponsors said it would save money. If you will examine the figures below the table, you will find the amount—about \$400,000. The great bulk of this so-called 2-percent, or \$400,000, saving would be felt by the fourth-class postmasters in the lower brackets unless they resort to this practice.

If you examine the table, you will find 2,417 in the lowest-paid group of fourth-class post offices, 2,869 in the next group, 2,889 in the next group, 2,651 in the next, and 2,217 in the next.

The postmasters in those groups constitute eleven or twelve thousand, over one-third of the 31,000 fourth-class postmasters. Their salaries will be reduced by this bill unless they resort to the method I have described. There ought to be a better way, a clean-cut, direct, open, and above-board way of giving fourth-class postmasters the compensation they deserve.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, in my large district, the State of Arizona, which is chiefly rural, I have many fourth-class postmasters. I am, therefore, vitally interested in anything to aid them and much opposed to the proposition of reducing the pay of these postmasters. I regret as much as any of you gentlemen any reduction in pay these days but particularly in the postal branch of the Government service. A few days ago when the Post Office and Treasury Departments appropriation bill was pending before us for consideration, I took considerable pleasure in voting for an increase in pay under the Mead amendment for rural carriers and third-class clerks.

I hesitate to vote for the pending bill if it is going to reduce pay, but I really do not believe it will reduce pay. However, I certainly do want to see eliminated that bugaboo of stamp cancellations. I want to see that done away with as a system of paying. It has been an unsatisfactory practice for 50 years. It is the duty of the Government, in all regulations, to make it as easy as possible for citizens to do right and as difficult as possible for them to do wrong. I have on my desk right now papers concerning a few pathetic cases where fourth-class postmasters have been charged with misconduct

in office, when as a matter of fact in some instances there was no intent of wrongdoing involved. It was simply due to the cumbersome system of which these postmasters were the victims.

I want to see the system changed. I want to see fixed salaries given to these fourth-class postmasters. If this should result, as the gentleman from Missouri [Mr. COCHRAN] stated, in a total increase, I should not disapprove of that. I would prefer to see the grand total of postal expenses increased, if we can do away with the cancellation system and put these fourth-class postmasters on fixed salaries.

Mr. GIFFORD. Will the gentleman yield?

Mr. MURDOCK of Arizona. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. But do we do away with the cancellation system? We force them to keep track of it just the same, and we do not save them that suspicion. Their salaries are based upon the receipts, and they must report the receipts carefully. That cannot be what is wanted here.

Mr. MURDOCK of Arizona. I believe this bill will rid them of a lot of bookkeeping which many of them are not in position and do not have the ability to carry on. It is easier to compute the receipts on which their salaries are classified than to compute their pay through stamp cancellation. It seems to me the proposed change is wholesome.

They may be ever so honest in their intentions under the present plan, but they find themselves technically at fault. I know of some such cases, and this is why I am so much interested in the matter at this time. I am in favor of this bill, even if it increases the cost of the Postal Service.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MOSER].

Mr. MOSER of Pennsylvania. Mr. Chairman, as I have listened to the debate on the bill this afternoon I could not help but think how far afield a great many of the Members have been misled in some of their conceptions of the import of this bill. It so happens some of my most trying and exacting experiences in the Postal Service arose when I was called upon to go out and investigate alleged false returns of cancellations in fourth-class post offices. No one who has failed to go through this experience can appreciate the amount of work, the amount of energy and patience involved, and the great amount of difficulty that is encountered in order to establish a case of this kind and go before a jury in a district court of the United States and prove the case.

There has long been agitation to get fourth-class postmasters off the cancellation system and onto a salary basis. In the many years I was associated with the Post Office Department I knew that to be the true situation and the desire of everyone concerned. I know many postmasters would welcome this change, based on my own personal experiences. I may say I was amazed in later years when I found the munificence of the Government had been extended to such extent that a 60-percent bonus had been given to the postmaster canceling \$75 or less per quarter. As this occurs quarterly, it is repeated four times per year. I do not know of any increase in salary ever given in any branch of any service or by any industry that is in proportion to this enormous increase. It was vastly excessive and far beyond the most sanguine expectations of any fourth-class postmaster who ever looked forward to an increase in pay.

In connection with the remarks of my good friend, the gentleman from Missouri, I may say that I, too, called the Post Office Department this afternoon, and believe I contacted the same high official of the Department, who at one time was an inspector with me and is quite familiar with this type of work. He told me he is in favor of the principle of this bill. He also told me he did not have the matter placed before him until the 17th day of January, and in the time since then he has not been able to figure out the present basis of savings or economies as compared with what he figured out in 1935, because of the changes which have occurred due to the fact certain fourth-class

post offices have been discontinued, where, for instance, a country storekeeper may have bundled up and said, "I am through," and refused to carry on any longer at a cross-roads store, or where due to some exigency of the Service or the extension of a rural route the post office has been discontinued to the satisfaction of all concerned. He also told me, as I would well know from my experience, that other fourth-class post offices have been advanced to third-class, which takes them out of this group. Therefore, the figures he prepared in 1935 with great care would be inapplicable now, but would be comparatively the same, per fourth-class post offices operating now, although he would not say they could be accurate due to the changes which have occurred since he originally compiled the figures.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. HAINES. Is it not the opinion of the gentleman, who has had many years of experience as a postal inspector, that even though this bill may entail an additional cost of \$100,000—and I do not believe it will cost us one penny additional; in fact, I believe it will save us money—it will finally save thousands and thousands of dollars to the Government by reason of the reduction in the amount of inspection service which is now necessary?

Mr. MOSER of Pennsylvania. It would unquestionably affect that type of expert time saving. From what rapid calculation I have had the time to make, I am certain of a cash saving.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. I yield to the gentleman from Texas.

Mr. POAGE. I do not know the workings of the Postal System, so will the gentleman explain how one could arrive at these figures and know what a man was going to earn under this bill without keeping account of his cancellations? How does one determine his receipts?

Mr. MOSER of Pennsylvania. Under existing law, that is the only basis of determination.

Mr. POAGE. The gentleman is correct, but how is the basis of determination changed by this bill?

Mr. MOSER of Pennsylvania. Under this bill there is no determination of cancellations. His compensation is based on his receipts.

Mr. POAGE. Just what does the gentleman mean by "receipts"?

Mr. MOSER of Pennsylvania. The money he takes in from the sale of postage stamps, postage stamped paper, and box rents, if any.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. Why is it necessary to inject such a considerable controversy as this into the consideration of this bill, when it effects such a comparatively small saving out of the \$18,000,000 involved? Why did not the gentleman just let the situation stand as it was and give these men an increase in salary if it was so desired?

Mr. MOSER of Pennsylvania. The saving, as previously stated, is incalculable because of expert skill acquired only through long training, time, and court costs, as experienced under ancient existing cancellation pay basis. The gentleman from Pennsylvania is neither the author, sponsor of the bill, nor a member of the committee. Neither could he, under existing act of Congress, increase the salary of any postmaster if it was so desired.

[Here the gavel fell.]

Mr. MARTIN of Colorado. May I ask the gentleman from Missouri [Mr. ROMJUE] if he will not yield himself sufficient time to answer the question.

Mr. ROMJUE. The gentleman knows the Members of the House as well as I do, and knows that Members sometimes like to discuss things.

Mr. MARTIN of Colorado. I am asking why we should not leave expenses where they are, instead of cutting them \$400,000, a comparatively small sum, and raising such a big fuss over it.

Mr. ROMJUE. It would probably have raised a bigger fuss if we had done it the other way.

Mr. Chairman, we have no further requests for time on this side.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That on and after July 1, 1936, the compensation of postmasters of the fourth class shall be annual salaries, payable in semimonthly payments, to be ascertained and fixed by the Postmaster General on the basis of the gross postal receipts for the calendar year immediately preceding the adjustment of compensation for the fiscal year, at the following rates, namely:

Gross postal receipts of less than \$100, \$180 annual salary; gross postal receipts of \$100 but less than \$150, \$240 annual salary; gross postal receipts of \$150 but less than \$200, \$300 annual salary; gross postal receipts of \$200 but less than \$250, \$360 annual salary; gross postal receipts of \$250 but less than \$300, \$420 annual salary; gross postal receipts of \$300 but less than \$350, \$480 annual salary; gross postal receipts of \$350 but less than \$400, \$540 annual salary; gross postal receipts of \$400 but less than \$450, \$600 annual salary; gross postal receipts of \$450 but less than \$500, \$660 annual salary; gross postal receipts of \$500 but less than \$600, \$700 annual salary; gross postal receipts of \$600 but less than \$700, \$800 annual salary; gross postal receipts of \$700 but less than \$900, \$900 annual salary; gross postal receipts of \$900 but less than \$1,200, \$1,000 annual salary; and gross postal receipts of \$1,200 but less than \$1,500, \$1,100 annual salary.

With the following committee amendment:

Page 1, line 10, strike out "\$180" and insert in lieu thereof "\$160."

Page 1, line 12, strike out "\$240" and insert in lieu thereof "\$220."

Page 2, line 1, strike out "\$300" and insert in lieu thereof "\$280."

Page 2, line 2, strike out "\$360" and insert in lieu thereof "\$350."

Page 2, line 3, strike out "\$420" and insert in lieu thereof "\$410."

Page 2, line 4, strike out "\$480" and insert in lieu thereof "\$470."

Page 2, line 6, strike out "\$540" and insert in lieu thereof "\$530."

The committee amendment was agreed to.

Mr. ROMJUE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROMJUE: Page 1, line 3, after the word "after", strike out "July 1, 1936" and insert in lieu thereof "July 1, 1938."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. All laws and parts of laws inconsistent with this act are hereby repealed.

Mr. ROMJUE. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 2890) fixing annual compensation for postmasters of the fourth class, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ROMJUE. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage. The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross?

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ROMJUE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ROMJUE. Mr. Speaker, this ends the business of the Committee on the Post Office and Post Roads in order today.

Mr. COCHRAN. Mr. Speaker, at the suggestion of the majority leader, who has been called out of the Hall for the moment, I ask unanimous consent that further business in order on today, Calendar Wednesday, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. REES of Kansas, Mr. CASE of South Dakota, and Mr. MURDOCK of Arizona asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address made last night by Boake Carter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DREWRY of Virginia (at the request of Mr. BLAND), indefinitely, on account of the death of his son.

To Mr. RICHARDS, indefinitely, on account of illness in his family.

To Mr. WILCOX, for 1 week, on account of important business.

To Mr. RUTHERFORD, for Thursday and Friday, on account of important business.

ADJOURNMENT

Mr. ROMJUE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p. m.) the House adjourned until tomorrow, Thursday, January 27, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, January 27, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Tuesday, February 1, 1938, at 10 a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Wednesday, February 23, 1938, at 10 a. m., on the following bills:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels; and

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; H. R. 8906, same subject.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10 a. m. Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Thursday, January 27, 1938, at 10 a. m.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mrs. VIRGINIA E. JENCKES' Subcommittee on Public Health, Hospitals, and Charities of the Committee on the District of Columbia will meet Thursday, January 27, 1938, at 10 a. m. in room 345, House Office Building, to consider H. R. 3890, antivivisection.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:15 a. m. Thursday, January 27, 1938, to resume hearings on H. R. 9016, Washington Airport, Caucus Room, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1029. A letter from the Secretary of War transmitting a letter from the Chief of Engineers, United States Army, dated December 20, 1937, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of side channels or basins at Eau Gallie, Fla., with a view to providing connections with the intracoastal waterway, authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 497); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

1030. A communication from the President of the United States, transmitting a schedule of claims amounting to \$659,374.37, allowed by the General Accounting Office, in compliance with section 2 of the act of July 7, 1884 (U. S. C. title 5, sec. 266) (H. Doc. No. 498); to the Committee on Appropriations and ordered to be printed.

1031. A communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments and independent offices to pay claims for damages to privately owned property in the sum of \$37,949.75 which have been considered and adjusted under the provisions of the act of December 28, 1922 (U. S. C., title 31, sec. 215) (H. Doc. No. 499); to the Committee on Appropriations and ordered to be printed.

1032. A communication from the President of the United States transmitting an estimate of appropriation submitted by the Treasury Department to pay claims for damages by collision or damages incident to the operation of vessels of the United States Coast Guard, and in the sum of \$930.57 which have been considered and adjusted under the provisions of the act of June 15, 1936 (U. S. C., Supp II, title 14, sec. 71) (H. Doc. No. 500); to the Committee on Appropriations and ordered to be printed.

1033. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, House of Representatives, for the fiscal year 1939, in the sum of \$1,260 (H. Doc. No. 501); to the Committee on Appropriations and ordered to be printed.

1034. A communication from the President of the United States, transmitting, for the consideration of Congress, estimates of appropriations submitted by the Navy Department to pay claims for damages by collision or damages incident to the operations of vessels of the Navy, in the sum of \$1,337.97, which have been considered and adjusted under the provisions of the act of December 28, 1922 (U. S. C., title 34, sec. 599) (H. Doc. No. 502); to the Committee on Appropriations and ordered to be printed.

1035. A communication from the President of the United States, transmitting, for the consideration of Congress, estimate of appropriation in the amount of \$652.04, submitted by the Department of Justice to pay claims for damages to privately owned property caused by employees of the Federal Bureau of Investigation, which have been considered and adjusted under the provisions of the act of March 20, 1936 (49 Stat. 1184) (H. Doc. No. 503); to the Committee on Appropriations and ordered to be printed.

1036. A letter from the national president of the American War Mothers, transmitting a report, required by the

act of Congress, approved February 24, 1925, of the second year of his administration as national president of the American War Mothers, for the term ending October 2, 1937; to the Committee on World War Veterans' Legislation.

1037. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated December 20, 1937, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of side channels or basins at Courtenay, Fla., with a view to providing connections with the intracoastal waterway, authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 504); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COLLINS: Committee on Appropriations. H. R. 9181. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes; without amendment (Rept. No. 1721). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENNEY: Committee on Interstate and Foreign Commerce. H. R. 8714. A bill authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State; with amendment (Rept. No. 1722). Referred to the House Calendar.

Mr. O'BRIEN of Illinois: Committee on Interstate and Foreign Commerce. H. R. 8466. A bill authorizing the city of Rock Island, Ill., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Ill., and to a place at or near the city of Davenport, Iowa; with amendment (Rept. No. 1723). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DREW of Pennsylvania: Committee on Claims. S. 371. An act for the relief of William R. Kellogg; with amendment (Rept. No. 1712). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. S. 676. An act for the relief of Heinrich Schmidt, G. m. b. H. of Flensburg, Germany; without amendment (Rept. No. 1713). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 1043. An act for the relief of A. C. Williams; with amendment (Rept. No. 1714). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. S. 1255. An act for the relief of Harold Garr, Chester H. Peters, Harry B. Swift, Dr. Abraham A. Mills, Charles L. Harris, O. W. Morgan, F. G. E. Carlson, Harold S. Fraine, Owen E. Steele, W. C. Mudge, Jr., George F. Poutasse, Paul P. Pickle, W. D. Hiltbrand, Arthur P. LeBel, K. E. Hill, Annie McGowan, Ralph Thompson, and Rosamond M. MacDonald; with amendment (Rept. No. 1715). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. S. 2418. An act for the relief of John Prosser; with amendment (Rept. No. 1716). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. S. 2606. An act for the relief of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; without amendment (Rept. No. 1717). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 2841. A bill for the relief of Virgil O. Powell and others; with amendment

(Rept. No. 1718). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 6708. A bill for the relief of S. T. Roebuck; with amendment (Rept. No. 1719). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 6844. A bill to confer jurisdiction upon the United States District Court for the District of Kansas to determine the claim of Mrs. Mattie L. Carver; with amendment (Rept. No. 1720). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6419) to provide for the determination by the Special Mexican Claims Commission of the claim of Mrs. James D. McConaughy; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 8941) for the relief of Agnes Brodahl; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLLINS: A bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. COFFEE of Nebraska: A bill (H. R. 9182) to authorize the erection of a Veterans' Administration hospital in the State of Nebraska; to the Committee on World War Veterans' Legislation.

By Mr. HAVENNER: A bill (H. R. 9183) to authorize the erection of additional facilities at the existing Veterans' Administration Facility, Fort Miley, Calif.; to the Committee on World War Veterans' Legislation.

By Mr. TOWEY: A bill (H. R. 9184) for the appointment of an additional circuit judge for the third judicial circuit; to the Committee on the Judiciary.

By Mr. FLETCHER: A bill (H. R. 9185) to provide for the purchase of a site and the erection of a public building at Carey, Wyandot County, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. DEMPSEY: A bill (H. R. 9186) to provide for covering into the reclamation fund payments to the United States in connection with certain Federal irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. CALDWELL: A bill (H. R. 9187) to provide suitable accommodations for the district court of the United States at Panama City, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. CHURCH: A bill (H. R. 9188) authorizing the Secretary of War to grant a perpetual easement to the city of Highwood, Lake County, Ill., over certain portions of the Fort Sheridan Military Reservation for the purpose of constructing a waterworks system; to the Committee on Military Affairs.

By Mr. MAGNUSON: A bill (H. R. 9189) to amend subsection (c) of section 3 of the act entitled "An act to revise air-mail laws and to establish a commission to make a report to the Congress recommending an aviation policy," approved June 12, 1934, as amended, to authorize the Postmaster General to grant limited extensions to air-mail routes at any points thereon; to the Committee on the Post Office and Post Roads.

By Mr. BOLAND of Pennsylvania: A bill (H. R. 9190) to amend section 327 of the Liquor Tax Administration Act, approved June 26, 1936, relating to certain tax refunds to

brewers, and for other purposes; to the Committee on Ways and Means.

By Mr. RANDOLPH: A bill (H. R. 9191) to amend sections 1, 2, and 6 of the Civil Service Retirement Act, approved May 29, 1930, as amended; to the Committee on the Civil Service.

Also, a bill (H. R. 9192) to bring about uniformity in the application of holiday orders to Government personnel; to the Committee on the Civil Service.

By Mr. COLMER: A bill (H. R. 9193) to authorize the purchase and distribution of canned oysters and other canned sea foods; to the Committee on Agriculture.

By Mr. WOLCOTT: A bill (H. R. 9194) to extend the time for completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.; to the Committee on Interstate and Foreign Commerce.

My Mr. RICH: Joint resolution (H. J. Res. 574) directing the President of the United States to suspend commercial relations with the Empire of Japan during the occupation of Chinese territory by Japanese armed troops; to the Committee on Foreign Affairs.

By Mr. WHITE of Idaho: Joint resolution (H. J. Res. 575) to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes; to the Committee on Irrigation and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALDWELL: A bill (H. R. 9195) for the relief of Charles Hance; to the Committee on Claims.

By Mr. FORD of Mississippi: A bill (H. R. 9196) for the relief of J. T. Burt and Alice Burt; to the Committee on Claims.

By Mr. GAMBRILL of Maryland: A bill (H. R. 9197) for the relief of James W. Rogers; to the Committee on Claims.

By Mr. KENNEDY of Maryland (by request): A bill (H. R. 9198) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; to the Committee on Claims.

Also (by request), a bill (H. R. 9199) for the relief of Helen M. Krekler and Kemp Plummer; to the Committee on Claims.

Also (by request), a bill (H. R. 9200) for the relief of Filomeno Jimenez and Felicitas Dominguez; to the Committee on Claims.

Also (by request), a bill (H. R. 9201) for the relief of the Federal Land Bank of Berkeley, Calif., and A. E. Colby; to the Committee on Claims.

Also (by request), a bill (H. R. 9202) for the relief of certain disbursing officers of the United States and certain officers and employees of the Interior Department; to the Committee on Claims.

Also (by request), a bill (H. R. 9203) for the relief of certain postmasters and certain contract employees who conducted postal stations; to the Committee on Claims.

Also (by request), a bill (H. R. 9204) for the relief of certain employees of the Federal Emergency Administration of Public Works and the National Resources Committee; to the Committee on Claims.

Also (by request), a bill (H. R. 9205) for the relief of the Comision Mixta Demarcadora de Limites Entre Colombia y Panama; to the Committee on Claims.

By Mr. MARTIN of Massachusetts: A bill (H. R. 9206) for the relief of Herbert Frederick Field, deceased; to the Committee on Naval Affairs.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 9207) for the relief of Joseph Gorman; to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 9208) granting a pension to Sylvia Holsapple; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3882. By Mr. BEITER: Petition of the Military Order of the Purple Heart, urging that the benefits of Senate bill 1516 be extended to that organization if this legislation is reconsidered in the House and Senate; to the Committee on Military Affairs.

3883. By Mr. COLDEN: Resolution adopted by the board of public works of the city of Los Angeles, Calif., urging that, as long as the Federal Government continues to levy a gasoline tax, the revenues therefrom be devoted to the Federal highway-aid program; to the Committee on Ways and Means.

3884. Also, resolution adopted by the Teamsters Joint Council, No. 42, of Los Angeles, Calif., and vicinity, and endorsed by Bartenders Union Local No. 591, San Pedro, Calif., protesting against antiunion activities and asking that same be investigated; to the Committee on the Judiciary.

3885. By Mr. FORD of California: Resolution of the board of public works of Los Angeles, Calif., concurring with the action taken by the City Council of Los Angeles in asking that so long as the Federal Government continues to levy gasoline tax the revenues therefrom be devoted to the Federal highway-aid program and that there be no modification of present allocations, at least until the beginning of a new budget period for the Department of Public Works for the State of California; to the Committee on Ways and Means.

3886. Also, resolution of the Southern California Federation of Women's Democratic Clubs, urging their Representatives and Senators to lend their earnest efforts to the successful carrying out of the President's program; to the Committee on the Judiciary.

3887. By Mr. HART: Petition of the New Jersey State Grange, Trenton, N. J., urging the discontinuance of the Federal gasoline tax at the close of the fiscal year ending on June 30, 1938; to the Committee on Ways and Means.

3888. Also, petition of the New Jersey Farm Bureau, Trenton, N. J., urging the discontinuance of the Federal gasoline tax at the close of the fiscal year ending June 30, 1938; to the Committee on Ways and Means.

3889. Also, petition of the New Jersey Highway Users Conference, Trenton, N. J., urging the repeal of the Federal excise taxes on gasoline, trucks, automobiles, accessories and parts, tires, tubes, and lubricating oil levied under the Revenue Acts of 1932 and 1934, as amended; to the Committee on Ways and Means.

3890. Also, petition of the New Jersey State Planning Board, Trenton, N. J., recommending that no action be taken on Senate bill 2555 and House bill 7365; to the Committee on Rivers and Harbors.

3891. By Mr. KEOGH: Petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., concerning the enactment of new tax laws; to the Committee on Ways and Means.

3892. By Mr. LAMNECK: Resolution of the Franklin Post, No. 1, the American Legion, Department of Ohio, Columbus, Ohio, urging the passage of the universal service bill (H. R. 1954); to the Committee on Military Affairs.

3893. By Mr. MERRITT: Resolution of the Military Order of the Purple Heart, requesting that it be given the recognition it so rightfully deserves if Senate bill 1516 is reconsidered by the Senate and House of Representatives; and that the Military Order of the Purple Heart believes wholeheartedly in the ability and unimpeachable integrity of both the Senate and the House of Representatives with regard to the equal and proportionate distribution of the so-called Stars and Stripes fund of the sum of \$294,852.97; to the Committee on the Judiciary.

3894. By Mr. WOLCOTT: Petition of Capt. Fred W. Thodey and some 25 other members of the International Shipmasters Association, Port Huron, Mich., lodge, protesting against any legislation which will operate to repeal or modify the existing Great Lakes pilot rules as may be proposed in the bill S. 1273; to the Committee on Merchant Marine and Fisheries.